

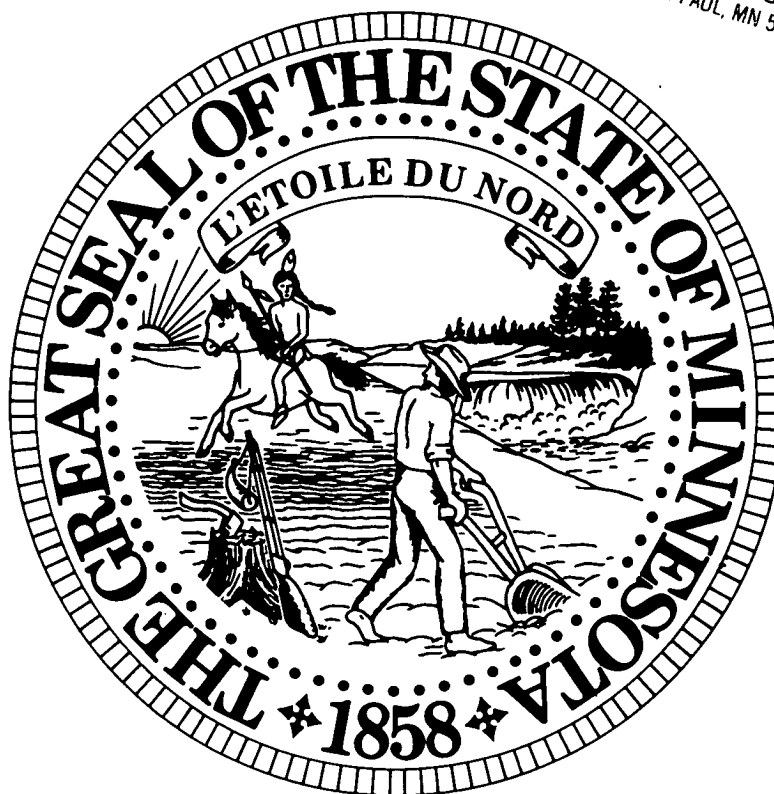
The Minnesota State Register

Department of Administration—Print Communications Division

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Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 24 August 1992
Volume 17, Number 8
Pages 369-424

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, and announcements.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 17 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
8	Monday 10 August	Monday 17 August	Monday 24 August
9	Monday 17 August	Monday 24 August	Monday 31 August
10	Monday 24 August	Monday 31 August	Tuesday 8 September
11	Monday 31 August	Friday 4 September	Monday 14 September

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-0929.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$150.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Arne H. Carlson, Governor

Dana B. Badgerow, Commissioner
Department of Administration

Kathi Lynch, Director

Print Communications Division
Paul Hoffman, Acting Editor

Katherine J. Artishon, Assistant Editor

Debbie George, Circulation Manager
Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Accountancy

Proposed Permanent Rules Relating to Licensing

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Accountancy (hereinafter "Board") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is *Minnesota Statutes* § 326.18.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

Comments or written requests for a public hearing must be submitted to:

Pamela K. Smith
Executive Secretary
Minnesota Board of Accountancy
133 East Seventh Street
St. Paul, MN 55101
Telephone: (612) 296-7937

The proposed rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rules as noticed.

The rules proposed for adoption relate examining, licensing, ethics, and continuing education. A free copy of the rules is available upon request from the Board Office.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Board Office upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rules must submit the written request to the Board Office.

Dated: 30 July 1992

Pamela K. Smith
Executive Secretary

Rules as Proposed**1100.0100 DEFINITIONS**

[For text of subps 1 to 9, see M.R.]

Subp. 10. Practice of accounting. “Practice of accounting” includes:

A. offering to perform or performing for a client or potential client one or more types of management advisory or consulting services involving the use of accounting or auditing skills whether or not a person holds oneself out to the public or is being held out to the public in a manner that states or implies that the person is a licensee or certificate holder; or

B. offering to furnish or furnishing for a client or potential client advice on tax matters when the person offering or furnishing the advice is a licensee or certificate holder whether or not that person holds oneself out to the public or is being held out to the public in a manner that states or implies that the person is a licensee or certificate holder.

1100.0200 INTERPRETATION OF RULES.

Subpart 1. **Interpretation in accord with Minnesota Statutes.** Except as otherwise specifically provided, ~~these rules~~ this chapter shall be interpreted in accordance with ~~the provisions of Minnesota Statutes 1974,~~ chapter 645.

[For text of subp 2, see M.R.]

Subp. 2a. Oral requests for opinions and interpretations. Oral requests to board or staff members for oral opinions and interpretations of parts 1100.0100 to 1100.8000 and Minnesota Statutes, sections 326.165 to 326.231, are discouraged. Whenever given, oral opinions are nonbinding and applicants, certificate holders, licensees, or other persons who act in reliance upon them do so at their own risk.

[For text of subp 3, see M.R.]

1100.0600 COMMUNICATIONS WITH BOARD.

~~All~~ Communications should be addressed to “Executive Secretary of the Minnesota, Board of Accountancy.”

1100.0650 AGREEMENT TO OBSERVE CODE.

The act of filing an application for examination, certification, or licensure constitutes an agreement upon the part of the applicant to observe the Code of Professional Conduct, parts 1100.3800 to 1100.6200.

1100.0700 APPLICATION FOR CERTIFICATION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. ~~Fee.~~ The applications must be accompanied by the appropriate fee as hereinafter provided in part 1100.3600 in the form of money order or check payable to “Treasurer, State of Minnesota Board of Accountancy.”

1100.0800 DEFERRAL OF APPLICATION DEADLINE AND DOCUMENTATION.

Subpart 1. Application deadline. Applications Deadlines for application for CPA examination or reexamination not reaching the board 60 or more days prior to the initial examination date may, at the board's discretion, be deferred for consideration for a subsequent examination— are March 1 for the May examination and September 1 for the November examination. For purposes of this subpart, applications for the examination are not filed timely unless they are received at the board office by 4:30 p.m. on the date specified. If the deadline falls on a Saturday, Sunday, or holiday, the application shall be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 2. Supporting documentation. If the board has not received all the necessary supporting documentation by 4:30 p.m. on April 1 for the May examination or by 4:30 p.m. on October 1 for the November examination, the file is incomplete and shall be deferred for consideration for a later examination.

1100.0900 EXPIRATION OF APPLICATION.

An application for CPA examination or reexamination ~~shall expire~~ expires five years from the date of the board's approval to sit for the initial examination. Once an application has expired, the board ~~may refuse to consider~~ shall require a new application ~~or may require the applicant to be reexamined, new supporting documentation, and examination in all subjects if the file has not been reactivated during the five-year period.~~

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1100.1000 EDUCATION REQUIREMENTS FOR CPA EXAMINATION APPLICANTS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Accounting major.** An applicant with an accounting major or concentration in accounting granted by a college or university fully accredited by the North Central Association of Schools and Colleges or its equivalent regional accrediting association is considered to meet the educational requirements in Minnesota Statutes, section 326.19, subdivision 1, clause (c)(ii).

Subp. 2. **Accounting major equivalency.** The following credits from an accredited college or university fully accredited by the North Central Association of Schools and Colleges or its equivalent regional accrediting association constitute the equivalent of an accounting major in accounting:

A. accounting and business law (includes financial, managerial, taxation, auditing, data processing, etc.); 24 semester hours, 36 quarter hours;

B. business, may include accounting and business law not listed in item A (Economics and mathematics may be classified as business or nonbusiness. Not all courses of one discipline need be placed in the same category.); 24 semester hours, 36 quarter hours;

C. nonbusiness, 48 semester hours, 72 quarter hours;

D. business or nonbusiness, 24 semester hours, 36 quarter hours;

E. for a total of 120 semester hours, and 180 quarter hours.

	<u>Semester Hours</u>	<u>Quarter Hours</u>
A. <u>Accounting and Business Law</u>	<u>24</u>	<u>36</u>
B. <u>Business and Economics (may include accounting and business law not listed in item A)</u>	<u>24</u>	<u>36</u>
C. <u>Nonbusiness</u>	<u>32</u>	<u>48</u>
D. <u>Other</u>	<u>40</u>	<u>60</u>
<u>Total</u>	<u>120</u>	<u>180</u>

Applicants shall have successfully completed the following courses: elementary financial accounting, elementary managerial accounting, intermediate accounting, cost and managerial accounting, and auditing. Credit is not permitted for duplicate courses.

The credits in item A must include a minimum of 27 quarter or 18 semester credits of accounting.

Subp. 3. **Exemption from accounting degree** Students in final quarter or semester. Applicants An applicant who are is currently registered in their the final quarter or semester preceding graduation and who will be receiving a baccalaureate degree with a major in accounting or a higher accounting degree at that graduation will shall be permitted to sit for the CPA examination. They will The applicant shall be considered for this purpose as having attained the degree and will shall qualify in the category of the degree to be attained. The applicant must shall submit an official transcript from the college he is attending being attended and a statement by the college or university that he the applicant is enrolled in his the final quarter or semester. A final official transcript showing degree and date awarded must shall be submitted to the board before the examination grades are released to the candidate applicant.

An applicant may not apply for a later examination until the final official transcript is received by the board office and shall apply for later examination consistent with the examination application deadlines in part 1100.0800. If the applicant does not achieve the degree in the final quarter or semester or if the official transcript is not received by the board within six months after the date of completion of the examination, the examination shall be invalidated.

1100.1100 QUALIFYING EXPERIENCE FOR CPA EXAMINATION AND GRANTING OF LICENSE FOR CPA AND LPA.

Subpart 1. **Intent.** It is the intent of this requirement that the applicant should applicants shall have had practical public accounting experience of reasonable variety and importance, requiring independent thought and judgment on important accounting, auditing, and income tax matters, consistent with the competence generally expected of a certified public accountant or licensed public accountant.

Subp. 2. **Measuring experience.** Experience recognized by the board will ordinarily shall be measured on the basis of calendar months and days worked by the applicant as a full-time an employee on the staff of a an actively licensed certified public accountant or actively licensed licensed public accountant in public practice. Part-time work in public accounting shall be recognized in proportion to full-time work, with a maximum of eight hours per day or 40 hours a week. The experience shall be verified by the employer.

Subp. 3. [See repealer.]

Subp. 4. **Qualifying governmental experience.** Qualifying governmental accounting experience may have been gained through employment in one or more of the following capacities:

A. as an examiner or supervising examiner in the office of legislative auditor or state auditor of the state of Minnesota, or in

a substantially identical ~~offices~~ office of ~~other~~ another governmental ~~bodies~~ body, engaged in examining the books, records, accounts, and affairs of state or local governments or their instrumentalities;

B. as a field examiner or supervising examiner of federal or state tax agencies, engaged in examining the books, records, accounts, and documents of taxpayers for the purpose of verifying financial data contained in income tax returns;

C. as an auditor or examiner with any other agency of government if the experience is at least as comprehensive and diversified as that described in items A and B as determined by the board.

The burden rests with the applicant to demonstrate to the board that other governmental experience should be recognized as qualifying. A written statement ~~should~~ shall be filed with the board, giving a complete description of the purposes, work standards, and procedures of any position believed to be qualifying. ~~It is desirable that~~ This statement shall be provided by a responsible administrative officer of the applicable governmental unit as determined by the board.

Subp. 5. Continuing professional education compliance for certain certificate holders. A certificate holder who applies for a license more than 30 months after having passed the uniform CPA examination shall comply with continuing professional education requirements as specified in part 1100.6700, subpart 4.

Subp. 6. Qualifying self-employment. In accordance with Minnesota Statutes, section 326.19, subdivision 4, clause (3), the board shall grant a license to an applicant who shows to the satisfaction of the board that the applicant has experience in:

A. applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in accounting records;

B. preparation of audit working papers covering the examination of the accounts usually found in accounting records;

C. planning programs of audit work including the selection of procedures to be followed;

D. preparation of written explanations and comments on the findings of an examination and on the content of accounting records; and

E. preparation and analysis of financial statements together with explanations and notes.

1100.1200 APPEARANCE BEFORE THE BOARD.

~~An applicant, when requested, must~~ At the request of the board, or the attorney general on behalf of the board, a holder of a certificate or license issued by the board and an applicant for examination, certificate, or license shall appear before the board to answer, committees of the board, or the attorney general, respond to any questions of the board, committees of the board, or the attorney general, and produce any evidence to sustain such facts as may be necessary to determine his requested by the board, committees of the board, or the attorney general to assist the board in determining the person's qualifications as prescribed by the law and or compliance with Minnesota statutes and rules of the board.

1100.1300 EXAMINATIONS AND CERTIFICATION FOR CPA APPLICANTS.

Subpart 1. Standardized tests. The examination shall consist of written tests provided on a uniform national basis by the ~~examination service of the American Institute of Certified Public Accountants, which presently include auditing, commercial law, accounting theory, and accounting practice.~~

[For text of subs 2 and 3, see M.R.]

Subp. 4. Dates. The dates of examination are those selected for the uniform national examination by the American Institute of Certified Public Accountants or other body providing the examination and deemed appropriate by the board and shall correspond with the dates of the examination in the other states.

[For text of subp 5, see M.R.]

Subp. 6. Attendance. ~~Each~~ An applicant ~~must~~ shall be present and prepared to engage in the work promptly at the hours appointed. An applicant who is unable to be present ~~must~~ shall notify the board as soon as reasonably possible, but no later than 4:30 p.m. on the day before the first day of the complete examination. Failure to do so ~~will~~ shall be considered, ~~at the discretion of the board,~~ just cause for exclusion and forfeiture of the ~~amount of the examination~~ fee. An applicant who is unable to be present at the examination for which his an application was approved by the board shall notify the board at least 60 days prior to reapply for a subsequent later examination to which he desires to be admitted consistent with the examination application deadlines in part 1100.0800 and furnish current information on forms provided by the board. An applicant shall apply for and be present at the next examination given or the applicant's fee shall be forfeited.

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Subp. 7. **Examination in other states.** An applicant required to be temporarily out of the state on the date of the examination may request the ~~Minnesota~~ board to arrange to have ~~his~~ the applicant's examination monitored by the accountancy board or the licensing agency or entity of another state.

[For text of subps 8 and 9, see M.R.]

Subp. 10. **Issuance of certificate.** Where an applicant has passed the examination, a certificate ~~as~~ indicating passage of the certified public accountant examination shall be issued ~~to him~~;

A. without an additional fee;

B. if the applicant complies with all applicable statutes and rules;

C. upon passage of the ethics examination issued by the board; and

D. if the applicant has not engaged in conduct for which the board is authorized to act pursuant to Minnesota Statutes, section 326.23.

~~Such~~ The certificate shall indicate that ~~this certificate~~ it is not a license to practice.

1100.1400 CPA REEXAMINATIONS.

Subpart 1. **Applicants who fail all three or more subjects.** An applicant who fails ~~all three or more~~ three or more subjects and receives no grade less than 50 shall be allowed to sit for reexamination at the next examination given and shall be required to retake all parts of the examination. An applicant who fails three or more subjects and receives a grade of less than 50 in any subject shall not be allowed to sit for reexamination at the next examination and must show proof of further study in order to but may sit for subsequent examinations.

Subp. 2. **Applicants who pass two subjects.** An applicant ~~having who has~~ who has passed two of the subjects given in the written examination and received no grade less than 50 in the subjects failed shall be reexamined only in the subjects ~~in which he~~ failed.

An applicant for reexamination pursuant to this subpart ~~must pass the remaining subjects within the next five examinations given by the board or be reexamined in all subjects who passed two of the subjects given in the examination and received one or more grades less than 50 has failed the examination and shall retake all parts of the examination.~~

Subp. 3. **Applicants who pass three subjects.** An applicant ~~having who has~~ who has passed three of the subjects in one examination shall be reexamined only in the subject ~~in which he~~ failed.

Subp. 4. **Application for reexamination.** An applicant for reexamination ~~must shall~~ shall apply for ~~reexamination and be reexamined~~ in all failed subjects at each examination for which the applicant applies.

Subp. 5. Conditioning. An applicant for reexamination under subparts 2 and 3 shall be reexamined in all subjects unless the applicant passes the remaining subjects within the next five examinations given by the board.

1100.1500 RECIPROCITY WITH OTHER STATES.

Subpart 1. **Reciprocity of privileges.** ~~Ordinarily~~ A reciprocal CPA or LPA certificate ~~will shall~~ shall not be granted unless the state of origin grants similar privileges to holders of Minnesota certificates and the applicant conforms to all requirements which would be imposed by the state of origin upon the holder of a Minnesota CPA or LPA certificate seeking reciprocal recognition in that jurisdiction.

Subp. 2. **Application.** An applicant who has passed two or more parts of the uniform examination under the jurisdiction of the accountancy board of another state may request that the board recognize and adopt said passing grades. The request shall be granted if, ~~in the opinion of the board, determines~~ determines the applicant satisfied all of the qualifications which would have been required had ~~he made~~ the application been made to the Minnesota board on the date of ~~his~~ original application to the other accountancy board.

Subp. 3. Proctoring out-of-state candidates. Application requests for proctoring out-of-state applicants shall be submitted to the board by April 1 for the May examination and October 1 for the November examination. A proctoring fee shall accompany the request as required in part 1100.3600.

1100.1600 RECIPROCITY STATEMENT OF NEED.

Application for a reciprocal CPA or LPA certificate must be supported by a statement of the applicant's need for a Minnesota certificate and license and a passing score in the Minnesota ethics examination.

1100.1700 HOLDERS OF FOREIGN CERTIFICATE CERTIFICATES AND DEGREE HOLDERS DEGREES.

Subpart 1. Waiver of examination. An individual who holds a certificate or degree of CPA, chartered accountant, or the equivalent thereof issued by in a foreign government country or by a recognized authority therein will in that country shall not be eligible to have the examination waived unless ~~he the individual~~ the individual meets all the requirements ~~set forth~~ in Minnesota Statutes, section 326.19, subdivision 3, and part 1100.1500, subpart 1, for a CPA of another state, and, in addition, demonstrates to the satisfaction of the board a fluency of in the English language and a familiarity with accounting, auditing, and business practice in the United States which will enable ~~him the individual~~ the individual to perform with the competence and insight of a person permitted to ~~style himself be styled~~ be styled as a CPA.

Subp. 2. Experience obtained in a foreign country. Experience obtained in a foreign country shall be accepted for licensure if obtained from a United States-based accounting firm or from an associate firm of a United States-based accounting firm.

Subp. 3. Education obtained in a foreign country. Education obtained in a foreign country shall be evaluated by an evaluation service approved by the board, at the expense of the applicant.

1100.1900 LICENSURE REQUIREMENT FOR CPA'S AND LPA'S.

Each individual holder of an unrevoked Minnesota certificate or license as a certified public accountant or licensed public accountant who engages in or intends to be engaged in the practice of public accounting within the state of Minnesota, regardless of the extent, during all or part of a calendar year is required to shall apply for and obtain from the board an annual active license for that year. The application for the annual license and the appropriate fee shall be submitted to the board within 30 days after engaging in public practice in any year, prior to engaging in the practice of public accounting. Holders of certified or licensed public accountant certificates and persons exempt from the continuing professional education requirements of part 1100.6700 shall apply for and obtain from the board an annual active license for that year prior to engaging in the practice of public accounting.

1100.1905 PERMITTED AND PROHIBITED USE OF CPA OR LPA DESIGNATION.

Subpart 1. Who may use designation. An individual may use the designation "certified public accountant" or "licensed public accountant" on business cards and resumes and may display a CPA or LPA certificate if the individual:

A. holds a CPA or LPA certificate without holding an active CPA or LPA license or holds an inactive CPA or LPA license; and

B. is not employed or otherwise retained by or associated with a sole proprietor, partnership, or corporation engaged in the practice of public accounting as defined by Minnesota Statutes, section 326.165, or in part 1100.0100.

Subp. 2. Registration requirement. The designation may be used only if the individual:

A. registers annually with the board by December 31; and

B. files an affidavit annually with the individual's registration attesting to the fact that the individual has not been, is not now, and shall not practice public accounting without obtaining an active CPA or LPA license.

Subp. 3. Misleading use prohibited. In addition to the other requirements of this part, an individual must not use the CPA or LPA designation in a context that may lead a reasonable person to believe that the individual holds an active license as a CPA or LPA when that is not the case.

Subp. 4. Employees of certain entities. Holders of CPA or LPA certificates or of active and inactive CPA and LPA licenses who are employed by financial services or other entities practicing public accounting in a legal entity which is restricted in its form of practice by Minnesota Statutes, section 326.211, shall not use the CPA or LPA designation or be held out to the public in any form as a CPA or LPA but must register with the board. The individual shall sign an affidavit annually attesting to the fact that the individual is not using the CPA or LPA designation. In addition, the individual's employer shall submit an affidavit, signed by a vice-president or above, attesting to the same. The affidavit shall be filed annually with the individual's registration with the board.

1100.2000 NOTICE OF LICENSING REQUIREMENTS; RESPONSIBILITY FOR APPLICATION AND FEE.

~~Each November~~ The board will shall notify each current active and inactive licensee of the licensing requirements for the succeeding year as required in part 1100.3500. However In the absence of such notification, it is the responsibility of each licensee in public practice to apply for a license and, pay the appropriate fee as required in part 1100.3600, and inform the board of any address changes within 60 days of the date of occurrence.

1100.2100 LICENSE APPLICATIONS.

~~The following requirements are to in parts 1100.2110 to 1100.2400 shall be observed in making applications~~ application for an annual license issued to an individual holder of a Minnesota certificate. Applications must be submitted on a form provided by the board. Applications must and shall be accompanied by the appropriate fee hereinafter provided in the form of money order or check payable to "Treasurer, State of Minnesota Board of Accountancy."

1100.2110 TYPES OF LICENSES.

The board issues active and inactive licenses. An active license is required for persons who:

A. engage in the practice of public accounting;

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B. hold a certified public accountant certificate, are eligible for licensure as a certified public accountant, and who are employed by a certified public accountant, a licensed public accountant, or a certified public accountant or licensed public accountant corporation or partnership.

An inactive license is available for persons who have held an active license in the past but are not currently engaged in the practice of public accounting.

1100.2120 VALIDITY OF LICENSES.

A license is valid until it is suspended or revoked or until it expires, whichever occurs first. All licenses are annual licenses for the year beginning on January 1 or on the date of original licensure, whichever is later, and ending on December 31 of the same calendar year.

1100.2130 LICENSE APPLICATIONS FOR PERSONS WHO HAVE BEEN PREVIOUSLY LICENSED.

Subpart 1. Applications by licensees with active licenses for active licenses. A licensee with an active license shall apply for an active license for the next year by submitting by December 31 an application, an annual license fee, and any required evidence of compliance with continuing education requirements.

Subp. 2. Applications by licensees with inactive licenses for active licenses. A licensee with an inactive license who wishes to apply for an active license for the next year shall submit by December 31 an application and an annual license fee. The licensee shall comply with the continuing education requirements in part 1100.6700, subpart 4.

Subp. 3. Applications by licensees for inactive licenses. A licensee with either an active or inactive license may apply for an inactive license for the next year by submitting by December 31 an application and an annual license fee.

Subp. 4. Applications by people whose previous licenses have expired or been revoked. A person whose previous license expired in a year prior to the current year and was not renewed or was revoked may apply for an active license for the next year by submitting by December 31 an application, an annual license fee, and applicable reinstatement fees as required in part 1100.3600, subpart 2b. The applicant shall comply with the continuing education requirements in part 1100.6700, subpart 4, and all conditions contained in any order for revocation of a license issued by the board and any other condition determined by the board to be necessary to protect the public. Granting of a license to a person whose license has been revoked shall be at the discretion of the board.

1100.2150 NONRENEWAL TIMELINESS OF INDIVIDUAL LICENSE RENEWAL.

Subpart 1. Renewal application filing deadline. License renewal applications are not filed timely unless received by the board office by 4:30 p.m. on December 31. If December 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 1a. Late processing fee. Licensees A licensee who renew their annual applies for a license, active or inactive, after the license has expired but before January 31 of the renewal year, shall pay a late processing fee in addition to their an annual license fee as required in part 1100.3600, subpart 2a. For the purposes of this subpart, license renewals are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 2. Reinstatement fee. Licensees who renew their An individual who applies for a license, active or inactive, after the license has expired and after January 31 of the renewal year to the end of the renewal year, shall pay a reinstatement fee per year of nonrenewal in addition to the annual license fee. Licensees who fail to renew within one year of the expiration date of the license shall submit an application for reinstatement of their license. Applicants for reinstatement shall pay an application for reinstatement fee; a reinstatement fee; and annual license fee for each year of nonrenewal as required in part 1100.3600, subpart 2b; fees as required in part 1100.3600, subpart 2a. For the purposes of this subpart, license renewal applications are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 3. Action by board. The payment of a late processing fee or reinstatement fee as required by subparts 1a and 2 shall not prevent the board from taking action against a licensee for having engaged in the practice of public accounting without being licensed by the board.

1100.2200 FAILURE TO APPLY AND PAY FEE.

Failure to apply for an annual license and pay the appropriate fee by a CPA or LPA at the beginning of the year in public practice shall be deemed unprofessional conduct and may be cause for suspension or revocation of his the certificate.

1100.2300 GRANTING OF LICENSES.

A license shall be granted to any person who;

A. meets the requirements of parts 1100.0100 to 1100.8000 and Minnesota Statutes, section 326.19, subdivision 2, as a certified public accountant or Minnesota Statutes, section 326.191, as a licensed public accountant;

~~B. who~~ applies for licensure on forms provided by the board;

C. pays the appropriate fee; and

D. is not subject to proceedings brought by the board pursuant to Minnesota Statutes, section 214.11 or 326.23.

1100.2500 LICENSING FOR PARTNERSHIPS.

~~Each A~~ partnership consisting of one or more partners ~~holding all of whom hold~~ unrevoked Minnesota certificates and licenses ~~which that~~ engages in or intends to be engaged in the practice of public accounting within the state of Minnesota during all or part of a calendar year is required to shall apply for and obtain from the board an annual license for that year. ~~The application for license and the appropriate fee shall be submitted to the board within 30 days after before~~ engaging in public practice ~~in any year.~~

1100.2600 NOTICE OF PARTNERSHIP'S LICENSE REQUIREMENTS; RESPONSIBILITY FOR APPLICATION AND FEE.

~~Each November~~ The board ~~will~~ shall notify each currently licensed partnership of the licensing requirements for the succeeding year. ~~However~~ In the absence of such notification, it is the responsibility of each partnership in public practice to apply for a license and pay the appropriate fee as provided in part 1100.3600, subpart 2. The partnership shall be responsible for determining that each of its certified public accountant or licensed public accountant partners and employees practicing public accounting in Minnesota is currently licensed as an individual with the board.

1100.2700 PARTNERSHIP'S LICENSURE APPLICATION.

The following requirements ~~are to shall~~ be observed in making application for an annual license issued to a partnership. Applications ~~must shall~~ be submitted on a form provided by the board. Applications ~~must shall~~ be accompanied by the appropriate fee as provided in part 1100.3600, in the form of a money order or check payable to "~~Treasurer, State of Minnesota~~ Board of Accountancy."

1100.2750 ~~NONRENEWAL~~ TIMELINESS OF PARTNERSHIP LICENSE RENEWAL.

Subpart 1. **Renewal application filing deadline.** Partnership renewal applications are not filed timely unless received by the board office by 4:30 p.m. on December 31. If December 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 1a. **Late processing fee.** A partnership that ~~renews its annual~~ applies for a license after the license has expired but before January 31 of the renewal year, shall pay a late processing fee in addition to ~~its an~~ annual license fee as required in part 1100.3600, subpart 2a. For the purposes of this subpart, license renewal applications are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 2. **Reinstatement fee.** A partnership that ~~renews its annual license~~ applies for a license after the license has expired and after January 31 of the renewal year ~~to the end of the renewal year,~~ shall pay a reinstatement fee per year of nonrenewal in addition to the annual license fee ~~fees~~ as required in part 1100.3600, subpart 2a. ~~Partnerships that fail to renew within one year of the expiration date of the license shall submit an application for reinstatement of their license. Applicants for reinstatement shall pay an application for reinstatement fee; a reinstatement fee; and annual license fee for each year of nonrenewal as required in part 1100.3600, subpart 2a.~~ For the purposes of this subpart, license renewal applications are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 3. **Action by board.** The payment of a late processing fee or reinstatement fee as required by subparts 1a and 2 shall not prevent the board from taking action against a licensee for having engaged in the practice of public accounting without being licensed by the board.

1100.3000 CORPORATION'S LICENSE APPLICATION.

An application for license must be made on the form provided by the board and must be accompanied by a certified copy of the articles of incorporation filed with the Minnesota secretary of state and the first annual report. Applications must be accompanied by the appropriate fee as provided in part 1100.3600, in the form of a money order or check made payable to "Minnesota Board of Accountancy."

A corporation incorporated as a business corporation under Minnesota Statutes, chapter 302A, before December 31, 1985, shall

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be licensed by the board provided that the corporation amends its articles to conform to Minnesota Statutes, sections 319A.07 to 319A.17 and 319A.21.

To qualify under this part, the amended articles must be in effect and filed with the board by March 1, 1992.

A corporation that does not amend and file its articles by March 1, 1992, and a corporation applying for initial licensure after December 31, 1985, must incorporate under the Minnesota Professional Corporations Act, Minnesota Statutes, chapter 319A.

To qualify under this part, a corporation incorporated in another state must be incorporated as a corporation under the laws of that state provided the laws are at least equivalent to the Minnesota Professional Corporations Act, Minnesota Statutes, chapter 319A.

A foreign corporation, incorporated as a business corporation, shall amend its articles, bylaws, and buy-sell agreements in accordance with the Minnesota Professional Corporations Act, Minnesota Statutes, chapter 319A.

1100.3100 FIRST ANNUAL REPORT.

The first annual report ~~must~~ shall be accompanied by a fee of \$100 payable to the "Treasurer, State of Minnesota Board of Accountancy" and shall include the following:

[For text of items A to C, see M.R.]

D. proposed agreement for buy and sell arrangements among the shareholders except if the corporation has only one shareholder (see part 1100.3400 for admittance of a second shareholder).

1100.3200 NOTICE OF CORPORATION'S LICENSE REQUIREMENTS; RESPONSIBILITY FOR FILING AND FEE.

~~Each November~~ The board ~~will~~ shall notify each ~~current corporate licensee~~ currently licensed corporation of the requirement of the annual report for the succeeding ~~calendar~~ year. ~~However~~ In the absence of such notification, it is the responsibility of each corporate licensee corporation in public practice to file the annual report, apply for annual license renewal, and pay the appropriate fee of \$25 as provided in part 1100.3600, subpart 1. The corporation is responsible for determining that each of its CPA or LPA shareholders and employees practicing public accounting in Minnesota is also currently licensed as an individual with the board.

1100.3250 NONRENEWAL TIMELINESS OF CORPORATION LICENSE RENEWAL.

Subpart 1. **Renewal application filing deadline.** Corporation renewal applications are not filed timely unless received by the board office by 4:30 p.m. on December 31. If December 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 1a. **Late processing fee.** A corporation that renews its annual applies for a license, active or inactive, after the license has expired but before January 31 of the renewal year, shall pay a late processing fee in addition to an annual license fee as required in part 1100.3600, subpart 2a, in addition to the annual report fee required by Minnesota Statutes, section 319A.21. For the purposes of this subpart, license renewal applications are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 2. **Reinstatement fee.** A corporation that renews its annual license applies for a license after the license has expired and after January 31 of the renewal year to the end of the renewal year, shall pay a reinstatement fee per year of nonrenewal in addition to the annual license fee fees as required in part 1100.3600, subpart 2a. Corporations that fail to renew within one year of the expiration date of the license shall submit an application for reinstatement of their license. Applicants for reinstatement shall pay an application for reinstatement fee; a reinstatement fee; and annual license fee for each year of nonrenewal as required in part 1100.3600, subpart 2b. For the purposes of this subpart, license renewal applications are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 3. **Action by board.** The payment of a late processing fee or reinstatement fee as required by subparts 1a and 2 shall not prevent the board from taking action against a licensee for having engaged in the practice of public accounting without being licensed by the board.

1100.3300 CORPORATION'S FAILURE TO APPLY.

Failure to apply for license renewal, file an annual report, and pay the annual license fee shall be deemed unprofessional conduct and may be cause for suspension or revocation of the ~~certificate and~~ license of the corporation and the certificates and licenses of its officers, directors, and stockholders licensed to practice in this state.

1100.3400 ADMITTING ADDITIONAL STOCKHOLDER.

Before admittance of a second or additional stockholder to a corporation, the proposed written agreement binding stockholders to purchase any share offered for sale by a qualified stockholder ~~must~~ shall be submitted ~~for to the board's approval board.~~ See part 1100.3100, item B.

1100.3500 LICENSE RENEWAL AND CONTINUING EDUCATION.

To renew an unexpired license, a ~~certificate holder or registrant~~ licensee shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board; ~~pay the renewal fee prescribed, and, A licensee subject to parts 1100.6400 to 1100.8000 shall~~ give evidence to the board that he ~~the licensee~~ has complied with the continuing professional education provisions of those parts.

1100.3600 FEES.

Subpart 1. **Initial application fees other than annual license fees.** Applications shall be accompanied by fees in the following amounts: described in items A to G.

A. Application for certified public accountant examination by ~~first time~~ first-time applicants, \$115.

B. Application for certified public accountant reexamination in failed subjects, \$30 per subject but not in excess of \$115. Accounting practice is considered to be two subjects. Part 1100.1400, subpart 4, provides that applicants ~~must~~ shall apply for reexamination in all failed subjects.

C. Application for initial license for certified public accountant, \$50.

D. Application for reciprocal ~~certificate and~~ license for certified public accountant, \$100.

~~D. Application for certificate and license for licensed public accountant, \$100.~~

E. Application for reciprocal ~~certificate and~~ license for licensed public accountant, \$100.

F. ~~A Nonrefundable \$50 fee will be charged~~ to proctor out-of-state ~~exam~~ examination candidates applying to sit in Minnesota, \$50.

G. Application for initial corporation license and first annual report, \$100.

Subp. 2. **Annual license renewal fees.** Annual license renewal fees shall be as follows:

A. ~~application for initial certified public accountant license, \$50;~~

~~B. active individuals, \$30;~~

~~C. inactive individuals, \$10;~~

~~D. partnerships, \$35; and~~

~~E. D. corporations, in addition to the \$25 annual reporting fee in part 1100.3200, corporations, a \$10 processing fee.~~

[For text of subs 2a and 2b, see M.R.]

Subp. 3. **Refunding fees.** Fees shall be refunded if an application is rejected. Once an application for examination or reexamination has been approved by the board, the fee ~~will~~ shall not be refunded. ~~Such~~ The fee may be applied to ~~any future the next~~ examination fee ~~at any time during a period of five years after approval of the application given,~~ after which the fee shall be forfeited.

[For text of subp 4, see M.R.]

1100.3700 REVOCATION AND SUSPENSION OF CERTIFICATES AND LICENSES.

[For text of subpart 1, see M.R.]

Subp. 2. **Grounds.** Failure to comply with ~~the code of professional conduct, parts 1100.3800 to 1100.6300~~ any provision of this chapter and Minnesota Statutes, sections 326.165 to 326.23, shall be deemed unprofessional conduct and ~~may be~~ shall constitute grounds for revocation or suspension of a certificate ~~and or~~ license.

CODE OF PROFESSIONAL CONDUCT**1100.3800 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in subparts 2 to 12 ~~of terminology~~ are applicable wherever ~~such terminology~~ the term is used in parts 1100.3800 to ~~1100.6300~~ 1100.6200 and interpretations.

[For text of subp 2, see M.R.]

Subp. 3. **Certified public accountant; licensee or CPA.** "Certified public accountant" or "~~licensee~~ CPA" means a person holding ~~such certificate or a certified public accountant active~~ license issued under the accountancy law of Minnesota.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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Subp. 3a. Licensed public accountant or LPA. "Licensed public accountant" or "LPA" means a person holding a licensed public accountant certificate and active license issued under the accountancy law of Minnesota.

Subp. 3b. Licensee. "Licensee" means a person holding an active or inactive license issued under the accountancy law of Minnesota.

[For text of subps 4 to 6, see M.R.]

Subp. 7. Financial statements. "Financial statements" means statements and footnotes related thereto to the statements that purport to show financial position or results of operation which relate are related to a point in time or periods of time, or changes in financial position statements of cash flow, which related relate to a period periods of time, and statements which use cash or other incomplete basis of accounting. Balance sheets, statements of income, statements of retained earnings, statements of changes in financial position cash flow, and statements of changes in owners' equity are financial statements.

Incidental financial data included in management advisory services reports to support recommendations to a client, and tax returns and supporting schedules do not, for this purpose, constitute financial statements; and the statement, affidavit, or signature of preparers required on tax returns neither constitutes an opinion on financial statements nor requires a disclaimer of such opinion.

[For text of subp 8, see M.R.]

Subp. 9. and 10. [See repealer.]

[For text of subps 11 and 12, see M.R.]

1100.3900 COMPLIANCE WITH CODE OF PROFESSIONAL CONDUCT.

In the practice of public accounting and in rendering professional accounting services a CPA and LPA shall adhere to the code, parts 1100.3800 to ~~1100.6300~~ 1100.6200.

1100.4200 SCOPE OF CODE OF PROFESSIONAL CONDUCT.

Subpart 1. **Limitations.** The rules of professional conduct which follow apply to all services performed in the practice of public accounting including tax and management advisory services except:

A. where the wording of the rule indicates otherwise; and

B. that a licensee who is practicing outside the United States ~~will~~ shall not be subject to discipline for departing from any of the rules stated herein so long as ~~his~~ the licensee's conduct is in accord with the rules of the organized accounting profession in the country in which ~~he~~ the licensee is practicing. However, where a licensee's name is associated with financial statements in such a manner as to imply that he or she is acting as an independent public accountant and under circumstances that would entitle the reader to assume that United States practices were followed ~~he must~~ the licensee shall comply with the requirements of parts 1100.4800 and 1100.4900.

A licensee engaged in the practice of public accounting ~~must~~ shall observe all the rules of professional conduct. A licensee not engaged in the practice of public accounting ~~must~~ shall observe only parts 1100.4500, 1100.5600, and 1100.6200 since all other rules of professional conduct relate ~~solely~~ only to the practice of public accounting.

[For text of subp 2, see M.R.]

1100.4400 INDEPENDENCE.

A licensee ~~or~~ and a firm of which ~~he~~ the licensee is a partner or shareholder shall not express an opinion on financial statements of an enterprise unless ~~he and his firm~~ they are independent with respect to such enterprise. Independence ~~will~~ shall be considered to be impaired if, for example:

A. During the period of ~~his~~ professional engagement, or at the time of expressing ~~his~~ an opinion, ~~he or his~~ the firm:

(1) had or was committed to acquire any direct or material indirect financial interest in the enterprise; ~~or~~

(2) had any joint closely held business investment with the enterprise or any officer, director, or principal stockholder thereof which was material in relation to ~~his or his~~ the firm's net worth; or

(3) had any loan to or from the enterprise or any officer, director, or principal stockholder ~~thereof~~. This latter proscription does not apply to ~~the following~~ home mortgage loans obtained from a financial institution when made under normal lending procedures, terms, and requirements: ~~loans obtained by a licensee or his firm which are not material in relation to the net worth of such borrower; home mortgages; other secured loans, except loans guaranteed by a licensee's firm which are otherwise unsecured.~~

B. During the period covered by the financial statements, during the period of the professional engagement, or at the time of expressing an opinion, ~~he or his~~ the firm:

(1) was connected with the enterprise as a promoter, underwriter, or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or an employee; or

(2) was a trustee of any trust or executor or administrator of any estate if ~~such~~ the trust or estate had a direct or ~~material~~ indirect financial interest in the enterprise; or was a trustee for any pension or profit-sharing trust of the enterprise.

The ~~above~~ Items A and B are examples and are not intended to be all-inclusive.

1100.4650 INCORPORATION BY REFERENCE.

For the purposes of parts 1100.4700, 1100.4800, and 1100.4900, the following documents are incorporated by reference, are subject to frequent change, and are available through the state law library:

A. AICPA Professional Standards, published for the American Institute of Certified Public Accountants by Commerce Clearing House, Inc. (June 1, 1991);

B. Current Text, Accounting Standards as of June 1, 1991, published by the Financial Accounting Standards Board (June 1, 1991); and

C. Government Auditing Standards, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, by the Comptroller General of the United States, published by the United States General Accounting Office (1988 Revision).

1100.4700 COMPETENCE.

A licensee shall not undertake any engagement which ~~he~~ the licensee or his ~~the licensee's~~ firm cannot reasonably expect to complete with professional competence. In determining "incompetence" or "negligence," the board may consider, among others, the ~~generally accepted auditing standards and accounting principles promulgated by the Institute and by the Financial Accounting Standards Board~~ documents incorporated by reference in part 1100.4650, items A, B, and C.

1100.4800 AUDITING STANDARDS.

A ~~licensee~~ Licensees shall not permit ~~his~~ their name ~~names~~ to be associated with financial statements in such a manner as to imply that ~~he is~~ they are acting as an independent public ~~accountant~~ accountants unless ~~he has~~ they have complied with the ~~applicable generally accepted auditing standards promulgated by the Institute~~ AICPA Professional Standards incorporated by reference in part 1100.4650, item A. Statements on auditing procedure ~~issued by the institute's Auditing Standards Executive Committee in that document are,~~ for purposes of this ~~rule part,~~ considered to be interpretations of the generally accepted auditing standards, and departures from such statements (or other standards considered by the board to be applicable in the circumstances) must be justified by those who do not follow them.

1100.4900 ACCOUNTING PRINCIPLES.

A licensee shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if ~~such~~ the statements contain any departure from accounting principles ~~promulgated by the Institute or the Financial Accounting Standards Board, among others in AICPA Professional Standards or Current Text, Accounting Standards as of June 1, 1991, incorporated by reference in part 1100.4650, item A or B,~~ which has a material effect on the statements taken as a whole, unless the licensee can demonstrate that due to unusual circumstances the financial statements would otherwise have been misleading. In such cases ~~his~~ the licensee's report must describe the departure, the approximate effects thereof, if practicable, and the reasons why compliance with the principle would result in an otherwise misleading statement.

1100.5300 FURNISHING INFORMATION TO CLIENTS.

A licensee shall furnish to ~~his~~ a client upon request:

A. a copy of a report, tax return, or other document that was previously issued to or for the client; or

B. a copy of a report, or other document, that was previously issued to or for such original records given to the licensee by the client, taken from the client's premises, or obtained from the client; or

C. any accounting or other records belonging to or obtained for the client which he or his firm may have had occasion to remove from the client's premises or to receive for the client's account; but this shall not preclude him from making copies of such documents when they form the basis for work done by him (or his firm); but in no event shall the accountant have a lien on these accounting or other records; or a copy of the licensee's workpapers which contain data which should properly be reflected in the client's books and records but which for convenience have not been duplicated. Examples of working papers that are considered to be client's records include:

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Proposed Rules

(1) worksheets in lieu of books of original entry, for example, listings and distributions of cash receipts or cash disbursements on columnar working paper;

(2) worksheets in lieu of general ledger or subsidiary ledgers, such as accounts receivable, job cost and equipment ledgers or similar depreciation records;

(3) all adjusting and closing journal entries and supporting details. If the supporting details are not fully set forth in the explanation of the journal entry but are contained in analysis of accounts in the accountant's working papers, then copies of such analysis shall be furnished to the client; and

(4) consolidating or combining journal entries and worksheets and supporting detail used in arriving at final figures incorporated in an end product such as financial statements or tax returns.

~~D.~~ a copy of an accountant's working papers if such working papers include records which would ordinarily constitute part of the client's books and records and are not otherwise available to the client. The information on these working papers must be treated the same as if it were part of the client's books and records.

A licensee shall not withhold any of the above because his fee has not been paid, unless the client agreed to pay such fee in advance.

A licensee may not withhold accounting or other records received from or on behalf of the client, irrespective of whether the fee has been paid.

The licensee shall not have a lien on the client's records. If a licensee is engaged to perform certain work for a client and the engagement is terminated before the completion of such work, the licensee shall return or furnish copies of these records originally given to the licensee by the client or taken from the client's premises.

If the licensee completes the engagement, but the client refuses to pay the fee, the licensee shall return or furnish copies of records originally given to the licensee by the client or taken from the client's premises.

Once the certified public accountant or licensed public accountant has returned the client's records or furnished copies of the records or necessary supporting data, the obligation has been discharged in this regard and it is not necessary to comply with any subsequent requests to again furnish the records.

If the certified public accountant or licensed public accountant has retained copies of a client's records already in possession of the client, the certified public accountant or licensed public accountant is not required to release copies to the client.

1100.5900 INCOMPATIBLE OCCUPATIONS.

A licensee who is engaged in the practice of public accounting shall not concurrently engage in the practice of public accountancy and in any other business or occupation which impairs his independence or objectivity that creates a conflict of interest in rendering professional services.

1100.6000 FORM OF PRACTICE AND NAME.

Subpart 1. Forms of practice. A licensee may practice public accounting, whether as an owner or employee, only in the form of a sole proprietorship, a partnership, or a professional corporation, organized in accordance with the applicable provisions of the Minnesota accountancy law and the Minnesota Professional Corporations Act laws governing the practice of public accounting and the organization and operation of partnerships and professional corporations.

Subp. 2. Names. A licensee shall not practice under a firm name which includes any fictitious name, indicates specialization, or is misleading as to the type of ~~organizations~~ organization (proprietorship, partnership, or corporation), as to the ownership of the organization, or as to the ability, resources, or size of the organization.

Subp. 3. Names of past or deceased partners or shareholders. ~~However,~~ Names of one or more past partners or shareholders may be included in the firm name of a successor partnership or corporation. ~~Also, Where a partner surviving or shareholder survives the death or withdrawal of all other partners or shareholders, the remaining partner or shareholder may continue to practice under the partnership or corporation name for up to two years after becoming a sole practitioner or a professional corporation with one shareholder. No name shall be used when the withdrawn partner or shareholder continues to practice public accounting or does not consent to the use of the name.~~

Subp. 4. Other designations. For purposes of Minnesota Statutes, section 326.211, subdivision 9, the term "other similar designations" includes the designation "and Associates" and any abbreviation.

CONTINUING EDUCATION RULES

1100.6100 SOLICITATION.

A licensee shall not by any direct personal communication solicit an engagement to perform professional services;

A. if the communication of the solicitation, whether oral or written, would violate part 1100.5700 if it were a public communication; or

B. by the use of coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious or harassing conduct; ~~or where the engagement would be for a person or entity not already a client of the licensee, unless such person or entity has invited such communication or is seeking to secure the performance of professional services and has not yet engaged another to perform them.~~ The term "direct personal communication" as used in this rule means any in-person, written, telephonic, or similar communication directed to a specific recipient or tailored in content to a specific recipient against another licensee, the client, or a potential client.

1100.6200 COMMUNICATIONS.

A An applicant, certificate holder, or licensee shall respond to communications from the board, committees of the board, or the attorney general on behalf of the board within 30 days of the mailing of such communications, unless an earlier response is requested within the communications. An applicant, certificate holder, or licensee shall appear before the board, committees of the board, or the attorney general on behalf of the board when requested to do so.

1100.6400 STATUTORY AUTHORITY; PURPOSE.

Pursuant to the provision of Under Minnesota Statutes, section 214.12, the board prescribes the following rules establishing parts 1100.6400 to 1100.7900 to establish requirements of continuing education to be met from time to time by licensees in order to maintain their professional knowledge and competence, as a condition to continuing to practice as licensed certified public accountants or licensed public accountants.

1100.6500 CONTINUING EDUCATION REQUIREMENT.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Effective date.** The effective date of this requirement shall be ~~December 5, 1980, or three years after a licensee's initial registration, whichever is later~~ licensure except for persons subject to part 1100.6700, subpart 3a.

1100.6700 COMPLIANCE AND EXCEPTIONS.

Subpart 1. **Standards and exceptions.** ~~The board anticipates that~~ Licensees ~~will~~ shall maintain the high standards of the profession in selecting quality education programs to fulfill the continuing education requirement.

All licensees are required to comply with the continuing education requirements except those individuals not engaged in public practice, such as licensees in private industry, governmental organizations, educational institutions, or similar activities, unless those individuals in addition to their basic employment engage in public practice, regardless of degree, or perform for compensation any services normally performed by public accountants whether or not a license is required to perform such services.

[For text of subp 2, see M.R.]

Subp. 3. [See repealer.]

Subp. 3a. **Original licenses.** A certificate holder who does not apply for the license within 30 months of having passed the uniform examination shall furnish satisfactory evidence of having completed 40 hours of acceptable continuing education within the 12 months before application. The applicant shall also complete and report 40 hours of acceptable continuing education before the next December 31.

Subp. 4. **Licensees reentering public practice.** A licensee ~~An individual~~ reentering public practice ~~from areas such as private industry, government, or education or who otherwise has been excepted from the provisions of the continuing education requirement shall notify the board upon reentry and will be required to comply with the continuing education requirement on a pro rata basis when his license is next renewed and each succeeding three-year period thereafter. who has held an inactive license, not held any license, or otherwise been excepted from the continuing education requirement shall report continuing education as described in items A to E.~~

A. Before receipt of a license and reentry to public practice, the individual shall submit evidence of completion of 40 hours of continuing education meeting the criteria in part 1100.6900 to 1100.7900 within the last 12 months before licensure.

B. If at the time of application for inactive status, the licensee had not yet reported continuing education for the years of the reporting cycle during which the licensee was actively licensed, the licensee shall be required to report continuing education on a pro rata basis for those years.

C. The licensee shall be required to report 40 hours of continuing education by December 31 of the year of reentry.

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Proposed Rules

D. The licensee shall be placed on a three-year reporting cycle based on the date the licensee was originally approved for licensure and shall report continuing education accordingly.

E. During each of the first five years after licensure or relicensure, the licensee shall report additional continuing professional education in the amount of 20 hours per year for every year of nonlicensure, not to exceed 100 hours. The additional continuing professional education shall be reported on an annual basis at no less than 20 hours per year.

Subp. 5. [See repealer.]

Subp. 6. Inactive license status. A licensee may surrender an active license and request exemption from the continuing education requirements if the licensee does not hold out as a public accountant, perform public accounting services to any degree whatever, with or without any form or remuneration, or is not engaged in an employment which was used as experience for initial licensure. Requests for inactive status are subject to approval by the board and shall be reported annually at renewal time.

1100.6800 PROGRAMS WHICH QUALIFY.

Subpart 1. **Principles.** The overriding consideration in determining whether a specific program qualifies as acceptable continuing education is that it be a formal program of learning ~~which~~ that contributes directly to the professional competence of an individual licensed to practice as a certified public accountant or as a licensed public accountant.

[For text of subp 2, see M.R.]

Subp. 3. **Programs presumed to qualify.** The following programs are deemed to qualify provided the criteria in subpart 2 are met:

[For text of item A, see M.R.]

B. Technical sessions at meetings of recognized national and state accounting organizations and their chapters.

[For text of items C and D, see M.R.]

E. Participation in committee meetings of recognized professional societies which are structured as educational programs.

F. Meetings at dinner, luncheon, and breakfast which are structured as formal educational programs.

G. Firm meetings for staff or management groups, except that portions of such meetings devoted to administrative and firm matters do not qualify.

H. Programs in other recognized organizations (accounting, industrial, professional, etc.)

[For text of subps 4 and 5, see M.R.]

1100.6900 ACCEPTABLE SUBJECT MATTER AND PROGRAMS.

The following general subject matters are acceptable so long as they contribute to the professional competence of the individual practitioner:

A. accounting ~~and~~ or auditing;

[For text of items B to J, see M.R.]

K. specialized areas of industry; ~~e-g- for example,~~ film industry, real estate, or farming, ~~etc-;~~ and

L. administrative practice; ~~e-g- for example,~~ engagement letters, fee structures, or personnel, ~~etc.~~

Areas other than those ~~listed above in items A to L~~ may be acceptable if the licensee can demonstrate that they contribute to his professional competence. The responsibility for substantiating that a particular program is acceptable and meets the requirements rests ~~solely~~ only with the licensee.

1100.7100 CREDIT FOR SERVICE AS LECTURER, DISCUSSION LEADER, OR SPEAKER.

Credit for one hour of continuing education will be awarded for each hour completed as an instructor or discussion leader to the extent that the particular activity contributes to the professional competence of the licensee as determined by the board. Credit as an instructor, discussion leader, or speaker will be allowed for any meeting or engagement provided that the session is one which would meet the continuing education requirements of those attending. The credit allowed an instructor, discussion leader, or a speaker will be on the basis of a maximum of two hours for actual subject preparation time for each hour of teaching. The maximum credit for ~~such~~ preparation and teaching will not exceed 50 percent of the renewal period requirement. ~~Credit for licensees attending not as instructors, discussion leaders, or speakers is limited to the actual meeting time~~ A qualified instructor or discussion leader is anyone whose background, training, education, or experience makes it appropriate to lead a discussion on the subject matter of the particular program.

REPEALER. *Minnesota Rules*, parts 1100.1100, subpart 3; 1100.1800; 1100.3800, subparts 9 and 10; 1100.6300; 1100.6700, subparts 3 and 5; 1100.7300; 1100.7400; 1100.7500; and 1100.7600, are repealed.

Gambling Control Board

Proposed Permanent Rules Relating to Paddlewheel Games

Notice of Proposed Adoption of a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Lawful Gambling Control Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28 (1990 and 1991 Supp.). The statutory authority to adopt the rule is *Minnesota Statutes*, section 349.151, subd. 4 and 4a (1990 and 1991 Supp.).

All persons have until Friday, October 2, 1992 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a *written request* for a public hearing on the rule until Friday, October 2, 1992. If 25 or more persons submit a written request for a public hearing, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Harry W. Baltzer
Lawful Gambling Control Board
1711 W. County Road B
Suite 300 South
Roseville, Minnesota 55113
Telephone: (612) 639-4000

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Minnesota Lawful Gambling Control Board upon request.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies or have an impact on agricultural land. The affect, if any, that the proposed rule may have on small businesses is discussed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Minnesota Gambling Control Board at the address listed above.

Dated: 11 August 1992

Harry W. Baltzer
Director
Lawful Gambling Control Board

Rules as Proposed

7861.0010 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. Gambling equipment. "Gambling equipment" means bingo cards and sheets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, paddlewheel tables, paddletickets, paddleticket cards, tipboards, and tipboard tickets.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Master flare.** "Master flare" is used in conjunction with sealed groupings of ~~up to~~ 100 paddleticket cards. The master flare must describe the paddletickets in the group, ~~have a list of all the state the first~~ state the first paddleticket card ~~numbers~~ number in ~~that the~~ group, state the price per play of a paddleticket in the group, describe the wagers that may be placed with a paddleticket in the group, and have a state registration stamp affixed to it bearing the number of the first paddleticket card in the group.

[For text of subps 7 and 8, see M.R.]

Subp. 9. **Paddleticket.** "Paddleticket" is a preprinted detachable ticket on a paddleticket card that has ~~printed~~ preprinted on it a paddleticket card number and either (i) one or more numbers corresponding to the numbers on a paddlewheel used without a paddlewheel table, or (ii) every available wager for a paddlewheel used with a paddlewheel table.

Subp. 10. **Paddleticket card.** "Paddleticket card" means a card to which is attached either (i) paddletickets bearing all the numbers on a paddlewheel used without a paddlewheel table, or (ii) paddletickets which each bear every available wager for a paddlewheel used with a table. A paddleticket card must have a stub attached that has preprinted on it a paddleticket card number, the ~~cost~~ price per paddleticket, space for the date played, a facsimile of a state registration stamp ~~which has the distributor's~~ with the license number printed in place of the paddleticket card number of the card's manufacturer, and a space in which the winning number is written.

Subp. 11. **Paddleticket card number.** "Paddleticket card number" means the unique serial number preprinted by the manufacturer on a paddleticket card and its paddletickets.

Subp. 11a. **Paddlewheel.** "Paddlewheel" is a mechanical vertical wheel marked off into sections containing numbers and which, after being spun, uses a pointer to indicate the winning number.

Subp. 11b. **Paddlewheel table.** "Paddlewheel table" is the table described in part 7861.0100, subpart 9, and used in the game of paddlewheels governed by part 7861.0100, subparts 2 to 7 and 9 to 16.

[For text of subps 12 and 13, see M.R.]

7861.0060 CONDUCT OF LAWFUL GAMBLING.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Posting of flare.** The odds, house percentages, or number of tickets must be displayed on the flare accompanying each deal of pull-tabs, tipboards, or the master flare for a group of ~~up to~~ 100 paddleticket cards.

[For text of subps 4 to 7, see M.R.]

7861.0100 PADDLEWHEELS.

Subpart 1. [See repealer.]

Subp. 1a. **Two versions of paddlewheel game.** The game of paddlewheels may be conducted with or without a paddlewheel table. The game of paddlewheels without a paddlewheel table must be conducted in accordance with subparts 2 to 8 and 15 and 16. The game of paddlewheels with a paddlewheel table must be conducted in accordance with subparts 2 to 7 and 9 to 16.

Subp. 2. **Conducting General conduct of paddlewheels.** The following items apply to the game of paddlewheels ~~conduct of all~~ paddlewheel games:

A. The playing of Paddlewheels must always be played using paddletickets, paddleticket cards, and a paddlewheel.

B. An organization may not use a paddlewheel that has not been approved by the board pursuant to Minnesota Statutes, section 349.163, subdivision 6, or that does not have a state registration stamp affixed to it.

C. Each paddleticket card must have a paddleticket card number preprinted on the stub and on each individual ~~ticket~~ paddleticket. Each paddleticket card must have a different number. An organization may not have two paddleticket cards with the same number in its possession ~~at the same time.~~

D. Each paddleticket stub card must have a facsimile of the state registration stamp ~~imprinted~~ preprinted on the stub. The facsimile must bear the license number of the ~~distributor~~ manufacturer who ~~sells~~ manufactured the paddleticket card.

~~D. All the paddletickets on a paddleticket card must be sold prior to the spinning of the wheel. A new paddleticket card must be sold for every spin of the wheel.~~

E. Each sealed grouping of ~~up to~~ 100 paddleticket cards must have a state registration stamp affixed to the master flare accompanying the group with the first paddleticket card ~~numbers written in by the distributor on the space provided number in the~~ group stated on the master flare. No paddleticket card ~~will~~ may be played unless the master flare for that card is posted in a conspicuous place ~~in on the immediate area of the permitted premises where for the paddlewheel being played is located.~~

F. An organization may not use paddletickets:

(1) ~~that~~ which do not have a state registration stamp affixed to the master flare accompanying the group;

(2) when the paddle ticket card number written on the master flare differs from the actual paddleticket card number preprinted on the tickets does not correspond to one of the paddleticket card numbers indicated on the master flare;

(3) when the paddleticket card number preprinted on the stub does not match the paddleticket card number preprinted on the individual tickets; and or

(4) ~~that which~~ are not attached to the paddleticket card.

F. The organization must post house rules on the play of paddlewheels. The wheel must make at least four revolutions before stopping at the winning number. If four revolutions are not made, a nonspin must be declared and the wheel must be spun again.

G. An organization must deface all unsold paddletickets and all winning paddletickets which have been redeemed.

Subp. 3. Paddlewheel Prize value and cost per ticket limits price restrictions. The following prize value of the prizes and the amount of bets are limited as follows and paddleticket price restrictions apply to all paddlewheel games:

A. Bets The prize awarded for a winning paddleticket may not exceed \$2 per paddleticket \$70 in value.

B. Prizes may not exceed \$70 in value An organization may not sell a paddleticket for more than \$2. All the paddletickets on a paddleticket card must be sold for the same price. No person shall be required to purchase more than one paddleticket, or pay for anything other than the ticket, in order to play.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. General restrictions. The following restrictions apply to all paddlewheel games:

A. No gambling employee of an organization shall purchase paddletickets at the site of the employee's place of employment. For purposes of this subpart, the term "employee" includes a volunteer.

B. No organization may have a direct interest in the outcome of the spin of a paddlewheel.

Subp. 7. Balancing, opening, closing, maintenance, and inspection of paddlewheels. The following requirements for the balancing, opening, closing, maintenance, and inspection of paddlewheels apply to all paddlewheel games:

A. To open a paddlewheel on a day when it will be used, an organization's paddlewheel operator must inspect each peg or pin and the pointer for uneven wear and immediately replace any worn peg or pin or worn pointer, and shall evaluate the balance of the paddlewheel by:

(1) inspecting the back of the paddlewheel for a foreign object that may affect the paddlewheel's balance; and

(2) positioning the pointer so it does not interfere with the spin of the paddlewheel. The paddlewheel must be slowly rotated 45 to 90 degrees at a time in one direction. While the paddlewheel is spinning, the paddlewheel operator shall determine whether there is any abnormality in the rotation or any reverse rotation after the paddlewheel stops. The wheel must continue to be rotated until the entire wheel has been evaluated by this method in both directions. If the paddlewheel is out of balance, the organization shall balance the paddlewheel before conducting paddlewheels.

B. To close a paddlewheel at the conclusion of its use on a day, an organization's paddlewheel operator shall place a cover over the paddlewheel or otherwise make it inoperable for use.

C. For each month in which an organization uses a paddlewheel, it shall complete a paddlewheel maintenance record on a form prescribed by the board. The record shall contain spaces for the name of the person conducting the maintenance, the date of the maintenance, the type of paddlewheel, and the number of the state registration stamp affixed to the paddlewheel, and shall contain a list of maintenance checks to be performed to ensure that the paddlewheel is in balance.

D. An organization shall make its paddlewheel maintenance records available to employees of the board for inspection and shall permit employees of the board to inspect its paddlewheels to determine whether they are in balance.

E. An organization may not use a paddlewheel that is out of balance.

Subp. 8. Conduct of paddlewheels without a paddlewheel table. The following items apply to the conduct of paddlewheels without a paddlewheel table:

A. The paddlewheel must be marked off into equally spaced sections which each contain a different number. A protruding

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peg or pin must be located, on the circumference of the paddlewheel, at least at the dividing line between each of the sections of the wheel. There must be positioned above the paddlewheel a pointer which stops the spin of the wheel and determines the winning number.

B. The paddletickets must contain one or more numbers corresponding to the numbers on the paddlewheel. The one or more numbers on a paddleticket may not be duplicated on any other paddleticket with the same paddleticket card number. Each paddleticket must be sold separately and must constitute a separate and equal chance to win with all other paddletickets with the same paddleticket card number.

C. All the paddletickets sold for a spin of the paddlewheel must bear the same paddleticket card number. All the paddletickets on a paddleticket card must be sold before the spinning of the paddlewheel. If all the paddletickets on the card cannot be sold, the organization shall refund the gross proceeds to the players in exchange for the unplayed paddletickets.

D. The paddlewheel must be spun by the organization's paddlewheel operator. The winning number is determined by the position of the pointer when the paddlewheel stops spinning. The paddlewheel must make at least four revolutions before stopping at the winning number. If four revolutions are not made, the spin is void and the paddlewheel must be spun again. An organization may not have multiple spins of the paddlewheel to award multiple prizes for one paddleticket card.

E. The paddletickets must be sold by the organization on the permitted premises for the paddlewheel being played and must be sold on the same day the paddlewheel game is conducted. No person may be required to be present when the paddlewheel is spun in order to be eligible for the prize. No person may be required to keep a paddleticket on the permitted premises in order to be eligible for the prize. However, the player with the winning paddleticket must claim the prize by redeeming the ticket on the permitted premises before the conclusion of the organization's lawful gambling activity for that day on the premises. Otherwise, the player forfeits the prize.

F. The prize awarded may be cash or merchandise. No cash prize amount may be a variable multiple of the standard price of a paddlewheel ticket. Merchandise prizes must be valued at actual market value or suggested market value, whichever is less. An organization must pay for in full or otherwise become the owner, without lien or interest of others, of merchandise to be awarded as a prize prior to the sale of paddletickets eligible for the prize. The organization must keep records showing its ownership of the merchandise, the actual and suggested market value of the merchandise, and its complete inventory of paddlewheel prize merchandise. An organization may not substitute cash for merchandise prizes which have been won.

G. For all winning paddletickets which have been redeemed, an organization shall keep records of the date played, the winner number, and the cash prize amount or merchandise prize awarded.

H. An organization must post clear and legible house rules on the play of paddlewheels in a conspicuous place on the permitted premises for the paddlewheel being played. The rules must include the following information:

- (1) A paddlewheel is used for the selection of the winner.
- (2) All paddletickets on a card must be sold before the spinning of the paddlewheel.
- (3) No person shall be required to purchase more than one paddleticket, or pay for anything other than the ticket, in order to play.
- (4) The paddlewheel must make at least four revolutions.
- (5) The winner is not required to be present when the paddlewheel is spun; however, the winner must claim the prize by the conclusion of the lawful gambling activity for the day.

I. An organization must post in a conspicuous place on the permitted premises for the paddlewheel being played a clear and legible sign stating the prize to be awarded to the winning paddleticket. The sign must be at least 18 inches by 24 inches in size.

Subp. 9. Standards for paddlewheels and paddletickets used with a paddlewheel table, and for paddlewheel tables and chips. Paddlewheels with a paddlewheel table must be conducted with a paddlewheel, paddlewheel tables, and paddlewheel chips which conform to the following standards:

A. The paddlewheel must be divided into three concentric circles. Each circle must be a different color and must be marked off into equally spaced sections. Each section in a circle must contain a different number. The outer circle may contain up to 40 numbers. Each inner circle may contain up to one-half of the number of numbers as that circle's adjacent outer circle. The numbers in each circle must be sequential starting with the number "one" but may be placed randomly in that circle. The paddlewheel may have specifically designated "house numbers" in regard to an "odd" or "even" bet. A protruding peg or pin must be located, on the circumference of the paddlewheel, at least at the dividing line between each of the sections of the outside concentric circle. There must be positioned above the paddlewheel a pointer that stops the spin of the wheel and determines the winning colored number or set of colored numbers.

B. Each paddleticket must have preprinted on it all the colored numbers on the paddlewheel and every available wager expressed by a colored number or set of colored numbers.

C. A paddlewheel table must have a state registration stamp affixed to its front and must conform to the following standards:

(1) The table playing surface must be permanently and clearly imprinted with the colored numbers which correspond to the colored numbers in each concentric circle of the paddlewheel. The table playing surface may also contain letters, each of which corresponds to a set of numbers of the same color representing a line bet. The table playing surface may also contain statements of "ODD" or "EVEN" for placing a bet that any number of a designated concentric circle of the paddlewheel will be odd or even. The letters and the statements must also be permanently and clearly imprinted on the table playing surface.

(2) The table playing surface must have a slot for the placing of paddletickets for each single colored number, each letter that corresponds to a set of colored numbers representing a line bet, each statement of "ODD," and each statement of "EVEN."

(3) The table must be equipped with a double-locking or triple-locking removable metal container known as a "drop box" into which must be deposited all issuance of duplicate fill slips, issuance of original credit slips, and coin or currency received from players for the purchase of paddlewheel chips. The drop box must have one lock that secures the drop box to the table and one or two separate locks which secure the contents placed into the drop box. The key to each of the two or three locks must be different from each of the other locks.

(4) The table must accommodate the placement of bets by players on the front and both sides of the table. The table must also have a rail for holding a player's paddlewheel chips. Inclusive of the rail, the table may be no longer than nine feet and no wider than four feet.

D. Paddlewheel chips may not be made of plastic, wood, or paper. An organization may issue paddlewheel chips in denominations of \$1, \$2, \$5, and \$25. One dollar chips must be white, \$2 chips must be yellow, \$5 chips must be red, and \$25 chips must be green. Each chip must have permanent edge spots which are different in color than the rest of the chip. Each paddlewheel chip must also be clearly and permanently impressed, engraved, or imprinted on at least one side with the license number of the organization holding the premises permit for the premises at which the chips are being used and on at least the opposite side with the specific dollar value of the chip.

Subp. 10. Opening and closing of paddlewheel tables.

A. To open a paddlewheel table for use, a gambling employee or volunteer of the organization shall lift the top of the table and inspect the cavity for any paddleticket, paddlewheel chip, or foreign object that may have fallen through the slots, and shall secure a paddlewheel chip tray and paddlewheel drop box to the table.

B. To close a paddlewheel table after its use, a gambling employee or volunteer of the organization shall notify the players that their paddlewheel chips must be redeemed through the cash bank cashier, and shall collect all outstanding identification cards from the players.

Subp. 11. Conduct of paddlewheels with a paddlewheel table. The following items apply to the conduct of paddlewheels with a paddlewheel table:

A. Only cash prizes may be awarded. No cash prize amount may be a variable multiple of the standard price of a paddleticket.

B. The paddlewheel must be spun by the organization's paddlewheel operator. The winning number or set of colored numbers is determined by the position of the pointer when the paddlewheel stops spinning. The paddlewheel must make at least four revolutions before stopping at the winning number or set of colored numbers.

C. Paddlewheel chips must be purchased only at the paddlewheel table from the organization's paddlewheel operator. Paddletickets must be purchased only at the paddlewheel table from the organization's paddlewheel operator, and must be purchased only with paddlewheel chips except that paddletickets for the immediate next spin may be purchased directly with cash in an amount equal to the value of the tickets.

D. All paddletickets must be sold on the permitted premises for the paddlewheel being played and must be sold immediately preceding a spin to be valid for that spin. Each paddleticket must be sold separately and must constitute a separate and equal chance to win with all other paddletickets sold for the spin. There may be no partially sold paddleticket cards for a spin. If all the tickets on a card cannot be sold, the organization shall refund the gross proceeds to the players in exchange for the unplayed tickets of that card.

E. When a player first purchases paddlewheel chips, the organization's paddlewheel operator shall provide the player with a card containing a unique identification number. The player shall return the card to the paddlewheel operator immediately after the player stops playing. Each player must write the player's assigned identification number on the back of the player's paddletickets prior to placing the tickets in a betting slot on the paddlewheel table.

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F. A player shall bet all the player's purchased paddletickets on the immediate next spin. If a player purchases a paddleticket and does not bet the ticket on the immediate next spin, the ticket is void, the ticket may not be wagered on any other spin of the paddlewheel, and the player shall surrender the ticket to the organization's paddlewheel operator who shall treat it as a losing ticket.

G. To bet, a player shall place the player's paddleticket in a betting slot on the paddlewheel table. A player's paddleticket is void and must be treated as a losing ticket if the player forces it all the way through the slot into the cavity of the table. The organization's paddlewheel operator may assist a player provided that the operator first verbally announces to all the players at the table that the operator is assisting the player and what assistance is being rendered.

H. A player may bet a paddleticket while another player is purchasing a ticket.

I. An organization's paddlewheel operator shall sequentially number each spin of the paddlewheel for each day of activity beginning with "one" for the first spin of the day and progressing with each spin. The spin number must be written either on the face of the first paddleticket card stub for which paddletickets have been sold for a particular spin or on the back of the last stub from which tickets have been sold for a particular spin. All spin numbers must be consistently recorded in the same location on the stub for all spins of the day. However, when the sale of tickets for a particular spin continues into a new sealed grouping of paddleticket cards, then the sequential spin number must be written on the face of the first stub of the group from which tickets are continuing to be sold. For each subsequent spin of the same group of paddleticket cards, the spin number must be recorded consistent with the organization's standard practice, written either on the face of the first stub for which paddletickets have been sold or on the back of the last stub from which tickets have been sold. The paddlewheel operator may not continue the sale of tickets for any particular spin into a new group of paddleticket cards unless the master flare for the group reflects the same prize payout as the master flare associated with the previous group. The master flare of the new group for which the sale of tickets is continuing and the master flare of the finished group from which tickets were sold for the same spin must be posted until the end of the spin, after which the old master flare must be removed. The paddlewheel operator must initial each paddleticket card stub. Both this initialing and the recording of spin numbers on card stubs must be done with a nonerasable marker.

J. When the organization's paddlewheel operator has determined that no other player desires to purchase a paddleticket for the immediate next spin of the paddlewheel, that there is no partially sold paddleticket card, and that the players have bet all their tickets, the operator shall announce "bets closed." Thereafter, no player may bet a paddleticket, change a bet of a previously placed ticket, touch any ticket, or place the player's hands on top of the paddlewheel table.

K. After the winning colored number or set of colored numbers is determined, the organization's paddlewheel operator shall record with a nonerasable marker the winning colored number and set of colored numbers on the face of the paddleticket card stub with the lowest serial number, or on the back of the paddleticket card stub with the highest serial number, of the cards related to that spin of the paddlewheel. The paddlewheel operator shall then remove all losing paddletickets from the slots on the paddlewheel table and visibly tear in half and discard the tickets in a container that is not easily accessible by a player. The operator shall next pay off the winning tickets slot by slot. To pay off the winning tickets, the operator shall:

(1) circle or record the winning colored number or set of colored numbers on the face or on the back of the winning ticket with a nonerasable marker;

(2) pay off the winning ticket directly to the player who has the card containing the unique identification number written on the back of the ticket; and

(3) record on the face or on the back of the winning ticket the prize amount with a nonerasable marker.

L. An organization must post clear and legible house rules on the play of paddlewheels in a conspicuous place on the permitted premises for the paddlewheel being played. The rules must include the following information:

(1) The cash denominations at which paddlewheel chips issued by the organization are sold and redeemed.

(2) A player must first purchase paddlewheel chips from the paddlewheel operator.

(3) Chips must be safeguarded. A chip dropped into a table betting slot must be retrieved by authorized personnel.

(4) Purchase, with chips, only as many paddletickets as the player desires to bet on the immediate next spin of the paddlewheel.

(5) A player is assigned a unique identification number that the player must write on the back of purchased paddletickets.

(6) Place a bet by carefully inserting a paddleticket in a selected betting slot on the paddlewheel table. Jammed tickets are void.

(7) No player may touch a paddleticket after the paddlewheel operator announces "bets closed" and until the operator announces "place bets."

(8) A paddlewheel must make at least four revolutions.

(9) If the pointer stops directly on top of a peg or pin, the number preceding the peg or pin is the winning number.

(10) A winning "odd" or "even" bet is determined by a winning number of only the designated colored circle. However, a player loses all "odd" and "even" bets if the pointer stops on a specially designated "house number," this rule must be posted only if an "odd" or "even" bet is accepted.

(11) A prize payout is made in chips which may be redeemed through the cashier.

(12) A player must be present to win.

Subp. 12. Operating procedures and internal controls. The following operating procedures and internal controls apply to the conduct of paddlewheels with a paddlewheel table:

A. An organization must keep records adequate to account for the cash won or lost for each sealed grouping of 100 paddleticket cards and records adequate to account for the paddletickets, paddleticket cards, paddlewheel chips, gross receipts, actual net receipts, actual cash profit, and cash long or short for each accounting period. For purposes of this subpart, an "accounting period" is a continuous time period during which a paddlewheel table is open for play.

B. For each accounting period for a paddlewheel table, an organization must maintain a record form with the following information:

(1) the premises permit number for the premises at which the table is located;

(2) the state registration stamp numbers for the table, the paddlewheel, and the paddleticket cards used;

(3) the date and time of the accounting period;

(4) the starting and ending cash bank amount;

(5) the starting and ending paddlewheel chip inventories by denomination and total dollar value; and

(6) the denomination and total dollar value of paddlewheel chips taken to the table from inventory, taken from the table to inventory, and redeemed for cash.

C. An organization is responsible for the safeguarding and secure storage of paddleticket cards and paddlewheel chips.

D. Paddlewheel chips shall be redeemed only through an organization's paddlewheel chip and cash bank cashier. The cash bank used by the organization to redeem its paddlewheel chips must be kept completely separate and apart from all other cash of the organization. Paddlewheel chips shall be redeemed for cash at the value for which they were sold, except when the chips were obtained or being used unlawfully. Redeemed chips must be kept completely separate and apart from the chip bank until after the organization completes the records for the accounting period during which the chips were redeemed.

E. An organization's paddlewheel operator shall redeem the actual paddlewheel chips received as tips through the organization's paddlewheel chip and cash bank cashier and shall not exchange those chips for other chips from any chip tray. This item does not preclude the pooling of tips.

F. The organization's paddlewheel chip and cash bank cashier must prepare a fill slip whenever paddlewheel chips are distributed to a paddlewheel table from the chip bank. An organization may not transfer or make change of chips directly from one table to another table. The fill slip must be at least a two-part carbonless form. On the original and duplicate fill slip, at least the following information must be recorded:

(1) the date and time;

(2) the denomination of chips;

(3) the quantity and total dollar value, by denomination, of chips;

(4) the total dollar value of chips; and

(5) the table identification number if required by subpart 2, item A.

The original copy of the fill slip must be retained by the cashier. The duplicate copy of the fill slip must be deposited in the paddlewheel table drop box by the paddlewheel operator.

G. The organization's paddlewheel operator must prepare a credit slip whenever paddlewheel chips are returned from the paddlewheel table to the chip bank. The credit slip must be at least a two-part carbonless form. The same information must be recorded on the original and duplicate credit slip as on a fill slip under item F. The original copy of the credit slip must be deposited in the paddlewheel table drop box by the paddlewheel operator. The duplicate copy of the credit slip must be retained by the cashier.

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H. After play has commenced, a money plunger must remain in the paddlewheel table drop box slot while the drop box is attached to the table except when coin, currency, or forms are inserted into the drop box. All cash taken in on paddlewheel chips must be placed immediately into the drop box. No person may access the contents of the drop box prior to the drop box cash count under item I.

I. During an accounting period, the key to at least one lock securing the contents of the paddlewheel drop box must be maintained and controlled by a person who is not acting as a paddlewheel operator or paddlewheel chip and cash bank cashier during that period. At the close of an accounting period, the drop box shall be opened and counted by two persons, at least one of whom did not act as a paddlewheel operator or paddlewheel chip and cash bank cashier during that period.

Subp. 13. Bet and prize payoff restrictions. The following bet and prize payoff restrictions apply to the conduct of paddlewheels with a paddlewheel table:

A. No person may place a bet that exceeds one or more of the following limits:

- (1) \$50 in aggregate for a spin of the paddlewheel;
- (2) \$10 on a single colored number;
- (3) \$25 for a line bet; and
- (4) \$25 on either "odd" or "even."

A bet is void to the extent it exceeds one or more of these limits. The paddletickets used to make the excess portion of the bet must be treated as losing tickets.

B. The prize payoff to a player is the value of paddlewheel chips to be paid out for a winning paddleticket per dollar spent on the ticket. An organization must post near the paddlewheel table a clear and legible sign stating the prize payoff and the bet restrictions for the paddlewheel game being conducted. The sign must be at least 18 inches by 24 inches in size.

C. The prize payoff must be a predetermined variable multiple of the amount wagered and must be in the form of paddlewheel chips. The prize payoff may not exceed the following ratios:

- (1) 40 to 1 for a bet on a single colored number in the outer concentric circle of the paddlewheel;
- (2) 20 to 1 for a bet on a single colored number in the middle concentric circle of the paddlewheel;
- (3) 10 to 1 for a bet on a single colored number in the inner concentric circle of the paddlewheel;
- (4) 5 to 1 for a line bet; or
- (5) 2 to 1 for an "odd" or "even" bet.

Subp. 14. Restrictions. The following restrictions apply to the conduct of paddlewheels with a paddlewheel table:

A. No more than two paddlewheel tables may be located at a lawful gambling site. If there are two paddlewheel tables at a site, each table and its paddlewheel drop boxes must bear a paddlewheel table identification number that distinguishes them from the other table and its drop boxes.

B. All tips must be made only with paddlewheel chips.

C. An organization shall not redeem, exchange, or allow to be used as a paddlewheel wager or a tip any paddlewheel chip that does not bear the organization's license number.

Subp. 15. Retention of records.

A. The records required to be kept by an organization pursuant to this part must be retained by the organization for at least 3-1/2 years.

B. An organization must retain for at least 3-1/2 years all paddleticket card stubs and the accompanying master flares, all unsold paddletickets, and all winning paddletickets which have been redeemed.

Subp. 16. Reports. The use of paddletickets must be reported in the same manner as for pull-tabs under part 7861.0080, subpart 6. An organization must complete a detailed monthly report in a standard format approved by the commissioner of revenue for each sealed grouping of paddleticket cards from which paddletickets were sold that month. The reports must provide sufficient detail to determine the actual net receipts, actual cash profit, and the cash long and short for each sealed grouping of paddleticket cards.

7863.0020 DISTRIBUTOR OPERATIONS, ACCOUNTS, AND REPORTS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. Registration of gambling equipment. The following items apply to the registration of gambling equipment:

[For text of items A and B, see M.R.]

C. For gambling equipment received by a distributor from a manufacturer on or after August 1, 1990, a distributor shall place a state registration stamp on each master flare for a group of up to 100 paddleticket cards, on the front of each paddlewheel, on the front of each paddlewheel table, and on each device for selecting bingo numbers. This requirement does not apply to sales by distributors to out-of-state customers for use out of state.

[For text of items D to G, see M.R.]

[For text of subp 4, see M.R.]

REPEALER. Minnesota Rules, part 7861.0100, subparts 1, 4, and 5, are repealed.

Department of Labor and Industry

Proposed Permanent Rules Relating to Labor Education Advancement Programs

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Labor and Industry (hereinafter "Department") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 175.171 (2) and *Laws of Minnesota for 1989* Chapter 335, Article 1, Subd. 7.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The comment period will end on 23 September 1992.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20.

Comments or written request for a public hearing must be submitted to:

Charles E. Curren, Policy Analysis Director
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, MN 55155
Telephone: (612) 297-5797

The proposed rule may be modified if the modifications are supported by data and views submitted to the Department and do not result in substantial change in the proposed rule as noticed.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and the reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Legal Services Section, 443 Lafayette Road, St. Paul, MN 55155.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rule must submit the written request to Legal Services Section, Minnesota Department of Labor and Industry, 443 Lafayette Road, St. Paul, MN 55155.

Dated: 10 August 1992

John B. Lennes, Jr.
Commissioner

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Proposed Rules

Rules as Proposed

5227.0100 SCOPE.

Parts 5227.0100 to 5227.0130 govern the application process and criteria to be used in the selection of organizations to receive grants to operate labor education advancement programs.

5227.0110 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 5227.0100 to 5227.0130 have the meanings given in this part.

Subp. 2. Commissioner. "Commissioner" means the commissioner of the Minnesota Department of Labor and Industry.

Subp. 3. Department. "Department" means the Minnesota Department of Labor and Industry.

Subp. 4. Grantee. "Grantee" means an organization that has applied for and received funding to operate a labor education advancement program.

Subp. 5. L.E.A.P. "L.E.A.P." means a labor education advancement program.

5227.0120 PROPOSAL PROCESS.

Subpart 1. Notification by commissioner. To initiate the process for awarding grants for the operation of labor education advancement programs, the commissioner shall publish a notice requesting grant proposals in the State Register. Interested organizations must submit proposals to the commissioner. Proposals must be received by the commissioner by the deadline established in the notice.

Subp. 2. Proposals; requirements. Proposals must be submitted in the form or format specified by the commissioner. A proposal must include the following information:

A. a chart of the applying organization that identifies:

- (1) the organization's administrative structure; and
- (2) the makeup of its advisory committee or council;

B. identification of the geographic area for which services will be provided;

C. demographic data of the service area, including:

- (1) the rate of unemployment in the service area;
- (2) comparative data on the ratio of unemployment between minorities and nonminorities in the targeted service area;
- (3) the percentage of racial minorities in the service area population; and
- (4) the source of demographic data;

D. a budget plan itemizing details of estimated operating costs, sources of nonstate matching funds, and amount of state funding requested;

E. a program narrative outlining the organization's goals, objectives, and performance indicators;

F. evidence of the ability to deliver services, which may include:

- (1) existing compacts with employers, employees, and employer or employee representatives;
- (2) previous experience providing job training and job placement services to economically disadvantaged individuals, diverse ethnic and racial minority groups, and females; and
- (3) previous experience operating labor education advancement programs, providing details of the results of L.E.A.P. operations;

G. assurances that the department or the state may conduct post-grant audits, and that the periodic performance and financial reports will be submitted promptly;

H. assurance that the applying organization has an effective equal employment policy; and

I. evidence of workers' compensation coverage as required by Minnesota law.

5227.0130 EVALUATION OF PROPOSAL.

The commissioner shall evaluate each proposal that is determined to be complete. The commissioner shall base the evaluation and any grants on the following factors:

A. the technical and economic feasibility of the proposed program;

B. the applicant's ability to implement the program in a timely manner upon receipt of the grant award;

- C. the consistency of the proposal with department objectives and priorities;
- D. the extent to which the proposal promotes equal employment opportunities in apprenticeable jobs;
- E. the ability to obtain nonstate matching funds for L.E.A.P. operations;
- F. the ability to develop employment contacts with employers, labor organizations, and state or governmental units;
- G. the ability to develop and implement processes that will help noncollege bound youth obtain marketable job skills;
- H. the applying organization's basic mission and objectives; and
- I. the amount of funds available for the operation of labor education advancement programs.

State Board of Technical Colleges

Proposed Permanent Rules Relating to Education; Technical Colleges; Teacher Licenses; Services; Occupations; Renumbering

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Technical Colleges intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Friday, September 25, 1992, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes* Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to either:

M. Robert Babcock, Supervisor
State Board of Technical Colleges
314 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-1867

Georgia Pomroy, License Revision Specialist
State Board of Technical Colleges
322 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-297-2204

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from M. Robert Babcock or Georgia Pomroy at the above address and phone, upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit the written request to either M. Robert Babcock or Georgia Pomroy at the above-mentioned address.

Helen Henrie, Deputy Chancellor
State Board of Technical Colleges

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Rules as Proposed (all new material)

3700.0600 LICENSES IN SERVICE OCCUPATIONAL AREA.

Subpart 1. **Listed here.** An applicant for a license to teach postsecondary vocational courses and programs in the service occupational area must meet the requirements in this part. These requirements are in addition to the requirements listed in part 3700.0100 and for a particular license.

Subp. 2. **Recent occupational experience.** An applicant for a license to teach in the service occupational area must have 2,000 hours of occupational experience within the five years just before applying for that license.

Subp. 3. **Does not apply.** Part 3515.9920 does not apply to parts 3700.0610 to 3700.0640.

REVISOR'S INSTRUCTION. The revisor shall renumber part 3709.0160 as part 3700.0610, part 3709.0170 as part 3700.0620, part 3709.0180 as part 3700.0630, and part 3709.0190 as part 3700.0640. The revisor shall renumber part 3709.0350 as part 3700.1290 and delete the word "project" from the phrase "project discover" wherever it appears in that part.

REPEALER. *Minnesota Rules*, part 3709.0100, is repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

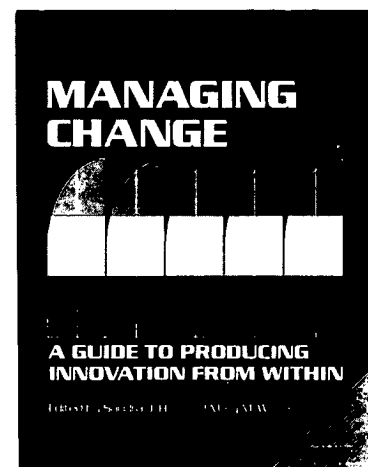
Department of Public Safety

Adopted Permanent Rules Relating to Liquor; State Permit Fees

The rules proposed and published at *State Register*, Volume 16, Number 51, pages 2725-2726, June 15, 1992 (16 SR 2725), are adopted as proposed.

Manage Change and Information Plans

Managing Change. A guide to managing change from *within* an organization, it combines common sense with solid theory about organizational behavior and change. Based on the premise: for an enterprise to succeed, employees must be involved as active partners. Operating in an environment of change, government adapts to newly elected officials, new political appointees, new economic conditions, new laws and rules, new managers and employees, and new mandates and priorities. Through the STEP plan, government capitalizes on that change by emphasizing closeness to the customer, employee participation, managerial discretion, partnerships, productivity improvement and work measurement. Contains a project directory and glossary. Paper-bound, 181 pages. Stock #19-64, \$19.00.



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Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Agriculture

Proposed Emergency Rules Relating to Class I Milk

Notice of Intent to Adopt an Emergency Rule

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture intends to adopt the above-entitled emergency rule. The statutory authority to adopt this rule is *Laws, 1992*, chapter 602, section 4. The department, in adopting this rule, is following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.29-14.36.

All persons have 25 days after publication to submit data and view on the proposed emergency rule or any part or subpart of the rule in writing. The comment period ends on September 18, 1992. All comments must be received by the department by 4:30 p.m. on that day.

Comments must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

A copy of the proposed emergency rule is attached to this notice.

The proposed emergency rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed emergency rule as noticed.

Upon adoption of the emergency rule, the emergency rule as adopted and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Ms. Milligan.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the department gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Many of the businesses affected by this rule are small businesses. And although the reporting requirements and compliance schedules are the same for all businesses affected by this rule regardless of size, the information requirements conform to those of federal programs that these businesses currently participate in. Therefore, no new burdens are being placed on small businesses.

Dated: 22 July 1992

Elton Redalen, Commissioner
Department of Agriculture

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Emergency Rules

Rules as Proposed (all new material)

1535.4000 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1535.4000 to 1535.4560 [Emergency]. Terms used in parts 1535.4000 to 1535.4560 [Emergency] that are not otherwise defined in this part have the meanings given in the federal milk marketing order.

Subp. 2. **Applicable Class I milk.** "Applicable Class I milk" means milk that is processed into Class I products at plants in Minnesota.

Subp. 3. **Class I milk.** "Class I milk" means all skim milk and butterfat classified as Class I by section 1068.40(a) and other applicable sections of the federal milk marketing order.

Subp. 4. **Class I Minnesota premium.** "Class I Minnesota premium" means the amount the Class I Minnesota minimum price of \$13.20 per hundredweight exceeds the order Class I price announced for Zone 1, at 3.5 percent butterfat in the month.

Subp. 5. **Class I products.** "Class I products" means fluid milk products as defined in section 1068.15 of the federal milk marketing order, except when moved in bulk, tanker form.

Subp. 6. **Commissioner.** "Commissioner" means the Minnesota commissioner of agriculture or the commissioner's designee.

Subp. 7. **Cooperative association.** "Cooperative association" means an organization recognized as a cooperative association by the United States Department of Agriculture that causes milk belonging to its members to be delivered to other handlers and collects payment on behalf of its members.

Subp. 8. **Eligible producer.** "Eligible producer" means a person who possesses a grade A permit issued by the Minnesota Department of Agriculture and produces grade A milk on a farm located in Minnesota.

Subp. 9. **Eligible producer milk.** "Eligible producer milk" means grade A milk produced by an eligible producer in Minnesota.

Subp. 10. **Equalization fund.** "Equalization fund" means the Minnesota Class I premium equalization fund created under part 1535.4260 [Emergency].

Subp. 11. **Exempt milk.** "Exempt milk" means milk that was produced, processed, packaged, and sold at the farm where produced, directly to consumers or which was used on the farm.

Subp. 12. **Federal milk marketing order.** "Federal milk marketing order" means the Upper Midwest Federal Milk Marketing Order, *Code of Federal Regulations*, title 7, section 1068, or any successor order regulating milk produced and marketed in Minnesota, issued by the United States Secretary of Agriculture under the authority of the Agricultural Marketing Agreement Act of 1937, *United States Code*, title 7, section 601, et seq.

Subp. 13. **Handler.** "Handler" means a person acting as the operator of a Minnesota pool plant or a cooperative association who qualifies and acts as a regulated handler under section 1068.9(b) or 1068.9(c) of the federal milk marketing order.

Subp. 14. **Member cooperative association.** "Member cooperative association" means a cooperative organization that does not act as a handler under the Minnesota producer premium program, but instead authorizes another handler to market its milk. A member cooperative association may not draw from the equalization fund directly, but may collect payment in aggregate for members from its designated handler, who will act as its agent and receive and distribute the Minnesota producer premium payment rate to the member cooperative association as directed by the program.

Subp. 15. **Minnesota pool plant.** "Minnesota pool plant" means:

- A. a pool distributing plant or pool unregulated plant that processes Class I products in Minnesota; or
- B. a handler or cooperative association that buys milk from eligible producers.

Subp. 16. **Minnesota producer premium payment rate.** "Minnesota producer premium payment rate" means the rate per hundredweight of milk to be paid to eligible producers resulting from the Class I Minnesota premium.

Subp. 17. **Plant.** "Plant" means the land, buildings, surroundings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products, including filled milk, are received, processed, or packaged. Plant does not include separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities used only as a reload point for transferring bulk milk from one tank truck to another.

Subp. 18. **Pool distributing plant.** "Pool distributing plant" means a plant located in Minnesota where milk is received from producers or other plants for processing into Class I products.

Subp. 19. **Pool unregulated plant.** "Pool unregulated plant" means a plant or cooperative association that processes milk into Class I products in Minnesota but is not regulated under section 1068.7 of the federal milk marketing order. This definition encompasses the plant definitions for nonpool and producer-handler plants under sections 1068.8 and 1068.10 of the federal milk marketing order.

Subp. 20. **Processed.** "Processed," in reference to milk, means converted by a handler from raw, unprocessed milk from any

source, regardless of the state of origin, into Class I products at a plant in Minnesota.

Subp. 21. **Program.** "Program" means the Minnesota producer premium program under parts 1535.4000 to 1535.4540 [Emergency] and *Minnesota Statutes*, section 32A.071.

Subp. 22. **Purchased.** "Purchased," in reference to milk, means delivery to a Minnesota pool plant that processes milk into Class I products.

EXAMPLE: A North Dakota grade A dairy farmer sells milk to a Minnesota processor of Class I dairy products. The milk is considered milk purchased in Minnesota for Class I use.

1535.4020 [Emergency] REPORTS OF RECEIPTS AND UTILIZATION; POOL DISTRIBUTING AND POOL UNREGULATED PLANTS THAT PROCESS CLASS I MILK.

Subpart 1. **Monthly reports.** On or before the 15th day of any month, each handler that operates a pool distributing plant or a pool unregulated plant in Minnesota during the preceding month shall report the following information for that month to the commissioner in the detail and on forms prescribed by the commissioner:

- A. total Class I milk disposed as fluid milk products on routes;
- B. total Class I packaged sales to other plants, listed by plant, specifying:
 - (1) sales to handlers inside Minnesota; and
 - (2) sales to handlers outside Minnesota;
- C. total Class I packaged receipts from other plants, listed by plant, specifying:
 - (1) receipts from handlers inside Minnesota; and
 - (2) receipts from handlers outside Minnesota;
- D. total receipts of milk from all sources;
- E. total receipts of milk from Minnesota eligible producers for which the handler made payment to the producers;
- F. receipts of milk from other Minnesota pool plants listed by handler, cooperative association, and plant; and
- G. receipts from other sources or handlers, listed by plant.

Handlers regulated under the federal milk marketing order may satisfy part or all of this reporting requirement by submitting to the commissioner a complete copy of the report entitled "Report of Receipts and Utilization." The handler shall submit the copy that has been accepted and verified for accuracy by the market administrator of the federal milk marketing order.

Subp. 2. **Handler report of eligible receipts.** Total receipts under subpart 1, item E, must include receipts from member cooperative associations on whose behalf the handler markets milk and issues payment. These receipts must be listed by member cooperative association.

1535.4030 [Emergency] REPORT OF RECEIPTS OF MINNESOTA ELIGIBLE MILK.

Subpart 1. **Monthly report of receipts.** A handler not covered under the reporting requirements in part 1535.4020 [Emergency] who purchased milk from Minnesota eligible producers in the preceding month shall complete a report of receipts. The report must be delivered to the commissioner no later than the close of business on the 15th day of the month, for the preceding month, in the manner and on the form prescribed by the commissioner with respect to each Minnesota pool plant operated by the handler. The handler shall also list the member cooperative associations and the respective pounds of eligible producer milk the handler markets for the member cooperative associations. The report must include the following information:

- A. total receipts of milk from all sources;
- B. total receipts of milk from Minnesota eligible producers, for which the handler made payment to the producers or the member cooperative association;
- C. receipts of milk from other Minnesota pool plants, listed by handler, cooperative association, and plant; and
- D. receipts from other sources or handlers, listed by plant.

Subp. 2. **Handler report of eligible receipts.** The total receipts of milk in subpart 1, item B, must include receipts from member cooperative associations on whose behalf the handler markets milk and issues payments. Receipts must be listed by member cooperative associations.

1535.4040 [Emergency] PRODUCER PAYROLL REPORTS.

Each handler, cooperative association, and member cooperative association shall report with respect to producers on or before the 22nd day of the month the handler's or association's producer payroll for the preceding month. The payroll must show for each eligible

Emergency Rules

producer the Minnesota producer premium payment rate, the total amount, in hundredweight, of milk to which the Minnesota producer premium payment rate applied, the dates of delivery of each amount of milk, and the amount paid to each eligible producer calculated by multiplying the Minnesota producer premium payment rate by the amount of milk delivered by the eligible producer. All producer payroll information required by state or federal milk marketing orders must accompany the report under this part.

1535.4050 [Emergency] OTHER REPORTS.

A handler shall report to the commissioner, in the manner and on forms prescribed by the commissioner, additional information necessary to administer this program.

1535.4060 [Emergency] RECORDS AND FACILITIES.

A handler shall maintain and make available to the commissioner during the usual hours of business all records and facilities necessary to verify the data reported under parts 1535.4020 to 1535.4040 [Emergency].

1535.4100 [Emergency] BASIS OF CLASSIFICATION.

Milk required to be reported by a handler under part 1535.4020 [Emergency] must be classified each month under part 1535.4110 [Emergency]. If any of the water contained in the milk from which a product is made is removed before the product is used or disposed of by a handler, the pounds of skim milk used or disposed of in the product must be considered to be an amount equivalent to the nonfat milk solids contained in the products plus all the water originally associated with the solids.

1535.4110 [Emergency] CLASSES OF UTILIZATION.

Milk subject to classification by part 1535.4100 [Emergency] must be classified as Class I, Class II, or Class III according to the classification rules of the federal milk marketing order as interpreted by the market administrator of the federal milk marketing order.

1535.4120 [Emergency] APPLICABLE CLASS I MILK.

Applicable Class I milk must be calculated from the report filed by a handler under part 1535.4020 [Emergency] for a pool distributing or pool unregulated plant that processed Class I milk in the preceding month. Applicable Class I milk at a pool distributing plant or pool unregulated plant must be calculated by the commissioner under items A to C.

- A. Add the total under part 1535.4020 [Emergency], subpart 1, items A and B.
- B. Subtract the total Class I packaged receipts from other plants under part 1535.4020 [Emergency], subpart 1, item C.
- C. The resulting difference represents the total amount of Class I applicable milk at the individual plant by hundredweight.

1535.4130 [Emergency] RESPONSIBILITIES OF HANDLERS AND RECLASSIFICATION OF MILK.

All milk received at a pool distributing plant or pool unregulated plant must be applicable Class I milk unless the handler satisfies the commissioner that the milk should be classified otherwise.

1535.4200 [Emergency] CLASS I MINNESOTA MINIMUM PRICE.

The Class I Minnesota minimum price is \$13.20 per hundredweight, as required by *Minnesota Statutes*, section 32A.071.

1535.4210 [Emergency] CALCULATING THE CLASS I MINNESOTA PREMIUM.

The Class I Minnesota premium each month is the amount, if any, by which the Class I Minnesota minimum price exceeds the announced Class I price for the month in the federal milk marketing order. The Class I Minnesota premium must not be adjusted for location, butterfat, or any other component or service provided by the handler or cooperative association.

1535.4220 [Emergency] ANNOUNCEMENT OF CLASS I MINNESOTA PREMIUM.

On or before the fifth day of each month, the commissioner shall publicly announce the Class I Minnesota premium calculated under part 1535.4210 [Emergency] for the following month and notify Class I processors by telephone, facsimile, or first class mail of that premium.

1535.4230 [Emergency] CALCULATING MINNESOTA PRODUCER PREMIUM PAYMENT RATE.

The commissioner shall calculate the Minnesota producer premium payment rate each month according to items A to E.

- A. Multiply the total hundredweight of applicable Class I milk reported to the commissioner, by the Class I Minnesota premium for the month.
- B. Add an amount equal to not less than one-half of the unobligated balance of the equalization fund.
- C. Divide the resulting amount by the total hundredweight of Minnesota eligible producer milk reported to the commissioner.
- D. Subtract not less than one-half cent nor more than 1-1/2 cents per hundredweight.
- E. The resulting price per hundredweight, in whole cents, is the Minnesota producer premium payment rate for the month.

1535.4240 [Emergency] ANNOUNCEMENT OF MINNESOTA PRODUCER PREMIUM PAYMENT RATE.

The commissioner shall publicly announce the Minnesota producer premium payment rate on or before the 16th day after the end of each month to which the Minnesota producer premium payment rate applies, and notify affected handlers by telephone, facsimile, or first class mail.

1535.4250 [Emergency] ADJUSTMENTS TO MINNESOTA PRODUCER PREMIUM PAYMENT RATE.

Adjustments for butterfat or other milk components to the Minnesota producer premium payment rate announced under part 1535.4240 [Emergency] are not allowed.

1535.4260 [Emergency] EQUALIZATION FUND; FISCAL AGENT.

The commissioner shall designate a fiscal agent to create and maintain a separate account known as the "Minnesota Class I premium equalization fund," into which the fiscal agent shall deposit all payments made by handlers under parts 1535.4310 [Emergency], 1535.4320 [Emergency], and 1535.4370 [Emergency], and out of which, at the direction of the commissioner, the fiscal agent shall make all payments under part 1535.4330 [Emergency].

1535.4270 [Emergency] CARRYOVER OF MINNESOTA PRODUCER PREMIUM PAYMENT RATE.

The commissioner shall direct the fiscal agent to withhold payments from the equalization fund if the Minnesota producer premium payment rate is less than five cents per hundredweight. The commissioner shall direct the fiscal agent to hold the money in the equalization fund until the sum of the Minnesota producer premium payment rate from two or more months equals or exceeds five cents per hundredweight. If the sum of two or more months of the Minnesota producer premium payment rate equals or exceeds five cents per hundredweight, the commissioner shall direct the fiscal agent to pay out the total. The commissioner shall direct the fiscal agent to pay out the Minnesota producer premium payment rate for the month of June of each fiscal year and any accumulated money from previous months even if the accumulated Minnesota producer premium payment rate is less than five cents per hundredweight.

1535.4300 [Emergency] NET POOL OBLIGATION OF HANDLER THAT OPERATES POOL DISTRIBUTING PLANT OR POOL UNREGULATED PLANT.

The net pool obligation of a handler that operates a pool distributing plant or pool unregulated plant having applicable Class I pounds in the preceding month, must be computed according to items A to F.

A. Multiply the total hundredweights of applicable Class I milk by the Class I Minnesota premium established for the month by the commissioner.

B. Multiply the total hundredweights of eligible producer milk purchased by the handler times the Minnesota producer premium payment rate.

C. Deduct the total calculated in item B from the total calculated in item A.

D. If the total in item A exceeds the total in item B, the handler shall pay that amount into the equalization fund under part 1535.4310 [Emergency]. The commissioner shall direct the fiscal agent to issue invoices for payments from handlers.

E. If the total in item B exceeds the total in item A, the handler is due that amount from the equalization fund under part 1535.4330 [Emergency] subject to the limitations of part 1535.4270 [Emergency].

F. If a handler that operates a pool distributing plant or pool unregulated plant fails to file the report required under part 1535.4020 [Emergency], the commissioner shall estimate that handler's applicable Class I milk to calculate the handler's net pool obligation to the equalization fund. The commissioner shall direct the fiscal agent to issue a payment invoice based on this estimate.

1535.4310 [Emergency] PAYMENTS TO EQUALIZATION FUND.

A handler with an obligation to the equalization fund as calculated in part 1535.4300 [Emergency] shall, on or before the 17th day of each month, pay to the fiscal agent for payment to the equalization fund the amount of its net pool obligation for the preceding month.

1535.4320 [Emergency] PENALTY FOR LATE PAYMENT TO EQUALIZATION FUND.

A handler or cooperative association that has not made remittance for an obligation, calculated pursuant to part 1535.4300 [Emergency], by the close of business on the next business day following the date specified for the payment, is subject to a late payment penalty. The unpaid obligation must be increased one percent for each month and any remaining amount due must be increased at a similar rate on the corresponding day of each succeeding month until paid. The amounts payable under this part must be computed monthly on each unpaid obligation, which must include any unpaid charges previously made under this part. Any obligation that was determined at a date later than prescribed by the program because of a handler's failure to submit a report to the commissioner when due must be considered to have been payable by the date it would have been due if the report had been filed when due. Amounts received by the commissioner under this part must be deposited with the fiscal agent in the separate account established in part 1535.4260 [Emergency].

Emergency Rules

1535.4330 [Emergency] PAYMENTS OUT OF EQUALIZATION FUND.

On or before the 18th day of each month, the commissioner shall direct the fiscal agent to make payment out of the equalization fund to each handler who has purchased milk from eligible producers.

Prior to directing the issuance of payments from the equalization fund, the commissioner shall determine the total payments due under items A and B. If the balance in the equalization fund is insufficient to make the payments, the commissioner shall uniformly reduce the payments and direct the completion of the payments as soon as the necessary funds are available. Payments from the equalization fund must be directed by the commissioner according to items A and B.

A. For handlers that operate a pool distributing plant or pool unregulated plant and that are due payment, the commissioner shall direct the fiscal agent to make payment in the amount calculated in part 1535.4300 [Emergency], item E.

B. For handlers that purchased milk from Minnesota eligible producers during the preceding month and filed the report under part 1535.4030 [Emergency], the commissioner shall direct the fiscal agent to make payment in the amount calculated by multiplying the total hundredweights in part 1535.4030 [Emergency], subpart 1, item B, times the Minnesota producer premium payment rate per hundredweight.

1535.4340 [Emergency] PAYMENTS TO ELIGIBLE PRODUCERS AND MEMBER COOPERATIVE ASSOCIATIONS BY HANDLERS AND COOPERATIVE ASSOCIATIONS.

A handler or cooperative association shall make payment to each eligible producer or member cooperative association on or before the 20th day of each month for the preceding month at not less than the applicable Minnesota producer premium payment rate established under part 1535.4240 [Emergency]. Payments to an eligible producer or member cooperative association must be accompanied by a document specifying the Minnesota producer premium payment rate, the total hundredweights of milk to which the Minnesota producer premium payment rate applies, the dates of delivery to which the payments pertain, and the amount paid to each eligible producer calculated by multiplying the Minnesota producer premium payment rate by the total hundredweights of milk delivered by the eligible producer.

1535.4350 [Emergency] PAYMENTS TO ELIGIBLE PRODUCERS BY MEMBER COOPERATIVE ASSOCIATIONS.

A member cooperative association that receives payment of the Minnesota producer premium from a handler shall distribute the payment to eligible producers on or before the 22nd day of each month for the preceding month at not less than the applicable Minnesota producer premium payment rate established under part 1535.4240 [Emergency]. Payments to an eligible producer must be accompanied by a document specifying the Minnesota producer premium payment rate, the total hundredweights of milk to which the Minnesota producer premium payment rate applies, the dates of delivery to which the payments pertain, and the amount paid to each eligible producer calculated by multiplying the Minnesota producer premium payment rate by the total hundredweights of milk delivered by the eligible producer.

1535.4360 [Emergency] ADJUSTMENTS FOR OVERCHARGES OF HANDLER OBLIGATIONS.

A. If a handler has reason to believe there has been an overcharge in the handler's obligation to the equalization fund, the handler shall submit documentation including, but not limited to, federal milk marketing order audit adjustment reports, original production invoices, and other documents required by the commissioner to verify the overcharge. The handler shall reimburse the commissioner for the additional audit expense to verify the overcharge. If verification discloses payment is due from the equalization fund to a handler, the commissioner shall direct the fiscal agent to make the payment to the handler.

B. If the commissioner is required to make payments to a handler according to the program, and an amount is due from the handler to the equalization fund, the commissioner may direct the fiscal agent to issue a credit to the handler for the amount of the payment instead of the payment.

1535.4370 [Emergency] ADJUSTMENTS FOR UNDERCHARGES ON HANDLER OBLIGATIONS.

If verification of reports or payments of a handler or cooperative association by the commissioner discloses an undercharge in the obligation of a handler or cooperative association to the equalization fund, the commissioner shall promptly bill the handler or cooperative association for any unpaid amount. The handler or cooperative association shall, within five days, make payment to the fiscal agent of the amount billed.

1535.4380 [Emergency] UNDERPAYMENT OF MINNESOTA PRODUCER PREMIUM PAYMENT RATE.

The commissioner shall verify that handlers, cooperative associations, and member cooperative associations correctly paid eligible producers or member cooperative associations for milk delivered that is entitled to receive the Minnesota producer premium payment rate. If the commissioner determines that the handler, cooperative association, or member cooperative association underpaid the Minnesota producer premium payment rate as required under part 1535.4340 [Emergency] or 1535.4350 [Emergency], it shall make up the payment to the eligible producer, cooperative association, or member cooperative association by the date of the next payment following disclosure of underpayment.

1535.4390 [Emergency] EVIDENCE OF REDUCTION IN OTHER PRODUCER PREMIUMS.

The commissioner shall monitor and review the level of other producer premiums paid by handlers, cooperative associations, and member cooperative associations to assure Minnesota eligible producers that the level of other producer premiums has not been lowered by the handler, cooperative association, or member cooperative association to offset the Minnesota producer premium payment rate. If the commissioner finds evidence of a reduction, the commissioner shall immediately direct the fiscal agent to suspend payments of the Minnesota producer premium payment rate to the handler, cooperative association, or member cooperative association.

1535.4395 [Emergency] EVIDENCE OF INCREASE IN HAULING RATE FROM FARM TO PLANT.

The commissioner shall monitor and review the rates charged to eligible producers for hauling their milk from farm to plant after the effective date of this program. If the commissioner finds a substantial increase or raising of rates without good cause shown, the commissioner shall immediately direct the fiscal agent to suspend payments of the Minnesota producer premium payment rate to the handler until the handler demonstrates good cause for the increase or reduces the hauling rate back to the rate charged prior to the increase.

1535.4396 [Emergency] HANDLER RESPONSIBILITY FOR RECORDS AND FACILITIES.

Subpart 1. **Requirement.** A handler shall maintain and retain records of the handler's operations and make the records available to the commissioner. If adequate records of a handler, or records of another person that are relevant to the obligation of the handler, are not maintained and made available, skim milk and butterfat required to be reported by the handler for which adequate records are not available must be considered accounted for or established as used in Class I.

Subp. 2. **Kinds of records.** A handler shall maintain the records in items A and B.

A. A handler shall maintain records of the handler's operations, including, but not limited to, records of purchases, sales, processing, packaging, and disposition, that are necessary to verify whether the handler has an obligation under this program, and, if so, the amount of the obligation. The records must establish for each plant or other receiving point for each month:

(1) the quantities of skim milk and butterfat contained in or represented by products received in any form, including inventories on hand at the beginning of the month according to form, time, and source of each receipt;

(2) the use of all skim milk and butterfat showing the respective quantities of the skim milk and butterfat in each form disposed of or on hand at the end of the month; and

(3) payments to eligible producers, cooperative associations, and member cooperative associations, including:

(a) the amount and nature of any deductions and the disbursement of money deducted; and

(b) the amount of the Minnesota producer premium payment rate disbursed to each eligible producer for each month along with the total amount of milk by hundredweight, and the dates of delivery for the volume of milk to which the Minnesota producer premium payment rate applies.

B. A member cooperative association and a producer shall keep other specific records necessary to verify or establish the handler's obligation under the program.

Subp. 3. **Availability of records.** A handler shall make available to the commissioner all records pertaining to the handler's operations and allow access to all facilities during regular working hours or at other reasonable times to permit verification of the information required to be reported by the program or to ascertain the handler's reporting, monetary, or other obligation under the program.

Subp. 4. **Records retention.** Records reported to the commissioner must be retained by the handler for three years.

1535.4400 [Emergency] GENERAL AUTHORITY.

For purposes of the administration and enforcement of this program, the commissioner may examine the books and records of a regulated person, and for that purpose, the commissioner's properly designated employees or agents must be granted full access to the premises and records of all regulated persons.

1535.4520 [Emergency] LIQUIDATION.

If this program ends, the commissioner shall dispose of all funds received under this program, except funds collected to reimburse the department for handler audit as prescribed in part 1535.4360 [Emergency], in an equitable manner, together with claims for any funds unpaid and owing at the time of suspension of the program.

1535.4530 [Emergency] SEVERABILITY OF PROVISIONS.

If a part of this program is held invalid, the remaining parts of the program remain valid and in force and effect. If the application of a part of the program to a person or circumstance is held invalid, the application of that part and of the remaining parts of the program to other persons or circumstances is not affected.

Emergency Rules

1535.4540 [Emergency] AUTHORITY TO ENTER INTO AGREEMENTS TO REDUCE COSTS AND DUPLICATION.

The commissioner may enter into agreements with other state or federal agencies in the manner provided in the Agricultural Marketing Agreement Act of 1937, *United States Code*, title 7, section 610(i), as amended, to exchange information or services for the purposes of reducing regulatory burden and the cost of administration. The commissioner may reimburse other agencies for the reasonable cost of providing these services.

1535.4550 [Emergency] IMPACT OF CLASS I MINNESOTA MINIMUM.

The commissioner may hold a public meeting of the dairy industry to discuss the impact of the program on existing trade practices and commercial transactions. The commissioner shall report to the Minnesota house committee on agriculture and the senate committee on agriculture and rural affairs by summarizing, in writing, the information given by the dairy industry during the meeting.

1535.4560 [Emergency] INVESTIGATION.

Subpart 1. **Authority.** To carry out the commissioner's enforcement duties under parts 1535.4000 to 1535.4560 [Emergency], the commissioner may, upon presenting appropriate credentials, during regular working hours or at other reasonable times, inspect premises subject to the commissioner's enforcement for reasons related to the commissioner's enforcement authority and conduct routine or special audits of relevant papers and records, including business records.

Subp. 2. **Failure to comply.** The commissioner may administer oaths, take and cause to be taken depositions of witnesses, and issue subpoenas, and may petition the district court in the county in which a premises is located to compel compliance with subpoenas or to permit routine or special audits.

Department of Natural Resources

Adopted Emergency Game and Fish Rules; State Game Refuge and Camp Ripley Wildlife

Notice of Adoption of Rules

NOTICE IS HEREBY GIVEN that the above entitled proposed rules have been adopted through the process prescribed by *Minnesota Statutes*, section 14.29, subd. 4(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.091, subp. 2, 97B.305, and 97B.311. The form, content, and adoption procedure for these rules have been approved by the Office of the Revisor of Statutes and the Minnesota Attorney General's Office.

Dated: 13 August 1992

Rodney W. Sando, Commissioner
Department of Natural Resources

ADOPTED EMERGENCY AMENDMENTS TO AND PARTIAL EMERGENCY REPEAL OF COMMISSIONER'S ORDER

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

[For text of subpart 1, see 16 SR 2800]

Subp. 2. **Whitewater Game Refuge, Winona county.** ~~In The Whitewater Game Refuge, Winona county, a person who possesses an archery deer license or a Zone 3 firearms deer license may not hunt or trap during the dates when the license is valid, except by permit. The refuge may be entered to retrieve a deer shot outside the refuge only if no uncased firearm or bow is taken into the refuge. The refuge is open to:~~

- A. small game hunting, except waterfowl, by bow and arrow or firearms using fine shot or .22 caliber rimfire only;
- B. trapping by permit; and
- C. firearms deer hunting only by permit.

[For text of subps 3 to 7, see 16 SR 2800]

Subp. 8. [See repealer.]

Subp. 8a. Clay County Game Refuge, Clay county. The Clay County Game Refuge in Clay county is open to:

- A. deer and bear hunting by firearms; and
- B. deer and bear hunting by archery.

[For text of subps 9 to 13, see 16 SR 2800, 2801]

Subp. 14. **Claremont Game Refuge, Dodge county.** The Claremont Game Refuge in Dodge county is open to:

- A. small game hunting, except waterfowl;
- B. trapping; and
- ~~B.~~ C. deer and bear hunting by archery.

Subp. 15. **Evansville Game Refuge, Douglas county.** The Evansville Game Refuge in Douglas county is open to:

- A. trapping; and
- B. deer and bear hunting by firearms.

[For text of subps 16 to 19, see 16 SR 2801]

Subp. 20. **Paul Bunyan Game Refuge, Hubbard county.** The Paul Bunyan Game Refuge in Hubbard county is open to:

- A. small game hunting, except waterfowl, through ~~October 31~~ the nearest Thursday before or after November 4;
- B. trapping;
- C. deer and bear hunting by ~~muzzleloaders~~ muzzleloader during the muzzleloader season; and
- ~~E.~~ D. deer and bear hunting by archery through ~~October 31~~ the nearest Thursday before or after November 4.

[For text of subp 21, see 16 SR 2801]

Subp. 22. **Schoolcraft Game Refuge, Hubbard county.** The Schoolcraft Game Refuge in Hubbard county is open to:

- A. small game hunting, except waterfowl, through ~~October 31~~ the nearest Thursday before or after November 4;
- B. trapping; and
- C. deer and bear hunting by archery through ~~October 31~~ the nearest Thursday before or after November 4.

[For text of subps 23 to 29, see 16 SR 2802]

Subp. 30. **Gopher Campfire Game Refuge, McLeod county.** The Gopher Campfire Game Refuge in McLeod county is open to:

- A. trapping; and
- B. deer and bear hunting by archery.

[For text of subps 31 to 45, see 16 SR 2802, 2803]

Subp. 46. [See repealer.]

[For text of subps 47 to 54, see 16 SR 2803, 2804]

6232.0900 CAMP RIPLEY ARCHERY HUNT.

Subpart 1. **Deer season and hunter quota.** Camp Ripley may be open, by permit only, for the taking of deer by archery. Open dates and quotas are determined annually by the commissioner. Information on these hunts can be found in the annual hunting regulations.

Camp Ripley shall be open for the taking of antlerless deer and legal bucks on October 31, November 1, November 21, and November 22, 1992.

Not more than 2,750 permits will be issued for each two-day hunting period, provided the total number of permits issued for both hunting periods does not exceed 4,500.

[For text of subp 2, see 16 SR 2811]

6232.1000 APPLICATION PROCESS FOR CAMP RIPLEY ARCHERY HUNT.

[For text of subps 1 and 2, see 16 SR 2811]

Subp. 3. **Application requirements.** Applicants for permits must:

[For text of items A to D, see 16 SR 2811]

E. mail or deliver the application with the ~~specified~~ nonrefundable application fee of \$6 per hunter to be received on or before the ~~Friday nearest 4:30 p.m. on August 15~~ 21, 1992, at Archery Hunt, Route 4, Box 19A, Little Falls, MN 56345; and

[For text of item F, see 16 SR 2811]

REPEALER. Commissioner's Order Number 2450, part 6230.0400, subparts 8 and 46, are repealed.

Department of Public Safety

Proposed Emergency Rules Relating to Firearms Dealers Security Standards

Notice of Intent to Adopt Emergency Rules

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt the above-entitled emergency rules. The statutory authority to adopt the emergency rules is contained in *Minnesota Statutes*, section 624.7161, as enacted by *Minnesota Laws 1992*, article 15, chapter 571, section 11. The Department is using emergency rulemaking procedures because *Minnesota Laws 1992*, article 15, chapter 571, section 16, requires that the rules be adopted by October 1, 1992. *Minnesota Statutes*, section 14.29, subdivision 1, permits the use of emergency rulemaking procedures in this situation because the statutory deadline of October 1, 1992, does not allow for compliance with regular rulemaking procedures. The Department, in adopting the rules, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days, until 4:30 p.m., September 18, 1992, in which to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. The comments must be received by the Department no later than 4:30 p.m. on the final day of the comment period. Any comments must be submitted to: John Gundersen, Minnesota Bureau of Criminal Apprehension, 1246 University Avenue, St. Paul, MN 55104, (612) 642-0610.

The rules require small and large firearms dealers to take security measures that protect against burglaries. The enabling legislation requires small firearms dealers to secure all pistols after business hours in safes or gun cabinets or with steel rods or cables. The rules set standards for these items. The rules also require large firearms dealers to secure all pistols using safes, steel rods, or steel cables or to site harden their buildings to prevent or delay unauthorized entry. All firearms dealers will be required to have electronic security systems and to permit the inspection of the security measures during normal business hours by local law enforcement authorities. The enabling legislation requires all firearms dealers to comply with the rules by January 1, 1993.

A free copy of the proposed emergency rules is available upon request from John Gundersen at the address and telephone number listed above.

The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed emergency rules as noticed.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land. *Minnesota Statutes*, section 16A.128, subdivisions 1a and 2a, do not apply because the rules do not fix fees.

Upon adoption of the emergency rules by the Department, the emergency rules as adopted and the supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to John Gundersen at the address and telephone number listed above.

The emergency rules will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rules will be continued in effect for an additional 180 days if the Department gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 17 August 1992

Thomas H. Frost, Commissioner
Department of Public Safety

Rules as Proposed (all new material)

7504.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the terms in subparts 2 to 6 have the meanings given them.

Subp. 2. **Firearms dealer.** "Firearms dealer" means a dealer federally licensed to sell pistols who operates a retail business in which pistols are sold from a permanent business location other than the dealer's home. For the purposes of this chapter, a dealer's home does not include the following:

- A. a building located on property that is zoned commercial;
- B. a business location where the square footage used for the business of selling firearms exceeds the square footage used for the dealer's residence; or
- C. a building located on the same property as the dealer's home that is not attached to the dealer's home.

Subp. 3. **Small firearms dealer.** "Small firearms dealer" means a firearms dealer who operates a retail business at which no more than 50 pistols are displayed for sale at any time.

Subp. 4. **Large firearms dealer.** "Large firearms dealer" means a firearms dealer who operates a retail business at which more than 50 pistols are displayed for sale at any time.

Subp. 5. **Pistol.** "Pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (1) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (2) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor. Pistol does not include a device firing or ejecting a shot measuring .18 of an inch or less in diameter and commonly known as a BB gun, a scuba gun, a stud gun or nail gun used in the construction industry, or children's pop guns or toys.

Subp. 6. **Displayed for sale.** "Displayed for sale" means a pistol available for sale to customers that is either displayed or stored at the dealer's place of business. This does not include pistols temporarily stored at the place of business for repair or servicing.

7504.0200 [Emergency] SECURITY MEASURES FOR SMALL FIREARMS DEALERS.

After business hours when the dealer's place of business is unattended, a small firearms dealer shall place all pistols that are located in the dealer's place of business in a locked safe or locked steel gun cabinet, or on a locked, hardened steel rod or cable that runs through the pistols' trigger guards.

A. The door to a safe must be recessed or flush and at least 3/16-inch thick. The body of a safe must be made of hot rolled steel at least one-eighth inch thick. A safe must have an Underwriters Laboratory (UL) listed Group 2 combination lock.

B. A rod or cable used to secure a pistol must be hardened steel. The rod or cable must be at least one-fourth inch in diameter. The rod or cable must be secured with a hardened steel lock which has a shackle that is protected or shielded from attack by a bolt cutter.

C. No more than five pistols may be affixed to any one rod or cable.

D. The safe, gun cabinet, rod, or cable must be anchored to prevent its removal from the premises.

E. The door to a gun cabinet must be recessed and at least 14 gauge steel. The door must be reinforced and must be attached to the body by at least two hinges that are located inside the body. The body of a gun cabinet must be made of hot rolled steel at least 14 gauge, and must be continuously welded to create a single, solid structure. A gun cabinet must have either a UL-listed group two combination lock or a UL-listed key lock that is encased in a high security, drill-resistant lock body. A key lock must use a restricted key that can only be duplicated by a factory-authorized source.

7504.0300 [Emergency] SECURITY MEASURES FOR LARGE FIREARMS DEALERS.

A large firearms dealer shall either comply with the requirements of part 7504.0200 [Emergency], items A to D, or the requirements of items A to H.

A. The dealer shall install vehicle-resistant barriers to prevent the penetration of the dealer's place of business by a motor vehicle. The barriers must protect any areas that are accessible to vehicles and that have a free run distance of 50 feet or more.

B. The dealer shall secure each perimeter doorway according to subitem (1), (2), or (3).

(1) The dealer may use a windowless steel security door equipped with both a dead bolt and a doorknob lock.

(2) The dealer may use a windowed metal door that is equipped with both a dead bolt and a doorknob lock. The window must be made of one-half inch polycarbonate or glass reinforced with metal mesh. If the window has an opening of five inches or more measured in any direction, then the window must be covered with steel bars or metal grating affixed to the interior of the door.

(3) The dealer may use a metal grate that is padlocked and affixed to the premises independent of the door and door frame.

C. A dealer shall cover all windows with steel bars that are anchored internally to the wall joists.

D. A dealer shall secure a room where pistols are stored after hours with a locked steel door or metal grating.

E. A dealer shall not display pistols within four feet of a window unless the window is covered by metal screen that is anchored internally to the wall joists.

F. A dealer shall secure heating, ventilating, air conditioning, and service openings with steel bars, metal grating, or an alarm system as described in part 7504.0400 [Emergency].

G. A dealer shall illuminate each perimeter doorway so that the doorway is clearly visible after dark from a distance of 100 feet.

H. Metal grates and grating must have spaces no larger than six inches on center along any diagonal. Metal screen must have spaces no larger than three inches along any diagonal. Steel bars must be no more than six inches apart on center.

Emergency Rules

7504.0400 [Emergency] ELECTRONIC SECURITY FOR ALL FIREARMS DEALERS.

A firearms dealer shall install and maintain an electronic security system that meets the requirements of items A to I.

- A. The system must emit an audible alarm at the dealer's place of business when triggered.
- B. The system must transmit a silent alarm when triggered. The silent alarm must be transmitted directly to a public safety answering point where this service is available. If no local public safety answering point provides an alarm-monitoring service, the silent alarm must automatically transmit a violation signal to a UL-approved monitoring station that must notify an appropriate law enforcement agency within two minutes of receiving the violation signal.
- C. A large firearms dealer's system must include a backup silent alarm that transmits the alarm as provided in item B if the primary transmission system fails.
- D. The system must include a line cut alarm unless the incoming phone lines are hardened by routing them through underground conduit or similar protective barrier. The line cut alarm must be triggered when the phone line is cut, and must emit an audible alarm.
- E. The system must monitor all exterior doors, windows, and other entry points, including but not limited to heating, ventilating, air conditioning, and customer and service entry points.
- F. The system must use motion and heat sensors to monitor pistol storage areas and alarm control boards.
- G. The system must monitor all interior doors that provide access to pistol storage areas.
- H. All components of the system must be UL-approved.
- I. All components of the system must be independently tested and certified to comply with this part at least once per year. The test must be conducted by an alarm system installation or monitoring firm or a person approved by the alarm system manufacturer or distributor. Written certification must be available for inspection by a local law enforcement authority.

7504.0500 [Emergency] INSPECTION BY LAW ENFORCEMENT.

A firearms dealer shall make its place of business available to local law enforcement officials during normal business hours for the purpose of verifying compliance with this chapter. A local law enforcement official is not required to give advance notice of an inspection.

7504.0600 [Emergency] EXEMPTIONS.

Upon written request from a firearms dealer, the commissioner of public safety shall grant an exemption from compliance with a requirement of this chapter if the following conditions are met:

- A. the request shows that the firearms dealer is unable to comply with the requirement because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the firearms dealer;
- B. the request identifies security measures used in lieu of complying with the requirement;
- C. the requirement is not mandated by statute; and
- D. the commissioner determines that the security measures will provide a degree of security similar to the degree of security provided by the requirement or will cause a delay in the unauthorized entry into the dealer's business premises equivalent to the delay provided by complying with the requirement.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce

Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of September 1992

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Statutes*, Section 47.20, Subdivision 4a, the maximum lawful rate of

interest for conventional home mortgages and contracts for deed for the month of September 1992 is eleven and ninety-seven one-hundredths (11.97) percentage points.

Dated: August 1992

Bert J. McKasy
Commissioner of Commerce

Minnesota Comprehensive Health Association

Notice of Meeting of the Ad Hoc Work Group on MCHA Premiums

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Ad Hoc Work Group on MCHA Premiums will be held at 7:30 a.m. on Friday, August 28, 1992 at Prudential Insurance Company of America, 3701 South Wayzata Boulevard, Minneapolis, Minnesota, in the 8th floor board room.

For additional information please call Lynn Gruber at (612) 593-9609.

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Meeting

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting at 9:00 a.m. on Friday, September 11, 1992. The meeting will be held at the Ombudsman Office, Suite 202, Metro Square Building on 7th and Robert Street, St. Paul.

Minnesota State Retirement System

Board of Directors, Special Meeting

A special meeting of the Board of Directors, Minnesota State Retirement System, will be held on Thursday, August 27, 1992 at 8:30 a.m. in the office of the System, 175 W. Lafayette Frontage Rd., St. Paul, Minnesota.

Veterans Home Board

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Amendments Governing the Minnesota Veterans Homes

NOTICE IS HEREBY GIVEN that the Minnesota Veterans Homes Board is seeking information and opinions from outside the agency in preparation for amendment of rules 9050.0010 through 9050.1070, addressing admission, discharge, billing and resident care procedures for the Minnesota Veterans Homes. The amendment of the rules is authorized by *Minnesota Statutes*, § 198.003, subdivision 1(1) which permits the Minnesota Veterans Homes Board to determine policy and adopt rules for the governance of the Minnesota Veterans Homes.

The Minnesota Veterans Homes Board requests information and opinions concerning the subject matter of the rule amendments. Interested persons or groups may submit data or views on the subject matter of the rule amendments in writing or orally to:

Annette Spencer
Veterans Homes Board
Veterans Service Building
20 West 12th Street, Room 122
St. Paul, MN 55155
(612) 297-5254

Any written material received shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Minnesota Historical Society

Proposals Sought for Architectural Design Services for the North West Company Fur Post Historic Site

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide architectural design services through design development for a new educational building to be constructed at the North West Company Fur Post Historic Site at Pine City, MN.

The Architect selected for this project may also be awarded the construction documents, bidding and construction supervision components of the project on a negotiated basis if and when the construction is fully funded.

The Request for Proposals is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Details concerning submission requirements are included in the Request for Proposals.

Minnesota State Lottery

Notice of Request for Proposal for Collection Services

The Minnesota State Lottery is requesting proposals from individuals and firms to provide collection services. The contract will commence around October 1, 1992.

Copies of the RFP are available upon request. Requests should be directed to:

Susie Kivi
Buyer
Minnesota State Lottery
2645 Long Lake Road
Roseville, MN 55113
(612) 635-8105

Department of Public Safety

Public Education & Media Relations

Notice for Request for Proposals for Contract Services

The Minnesota Department of Public Safety has a mandate to promote the safety of motorcyclists on public roadways through the administration of the Motorcycle Safety Fund which is dedicated from state fees for two-wheeled vehicle license endorsements.

The Department wishes to contract for professional services needed to develop and execute a comprehensive, statewide public information and education campaign to promote motorcycle safety among both motorcyclists and motorists in order to reduce accidents, injuries and fatalities. Details are contained in a Request for Proposals which may be obtained by calling or writing:

Gail Gendler
Public Education and Media Relations
316 Transportation Building
395 John Ireland Boulevard
St. Paul, Minnesota 55155
(612) 297-1765

Estimated cost of the contract is \$80,000.00. Final date for submitting proposals is Wednesday, September 9, 1992 by 4:00 p.m. State retains option to renew this contract with selected contractor for up to two subsequent years.

Department of Trade and Economic Development

Request for Proposal for Design and Computer Graphics Services for Rural Investment Guide

The Department of Trade and Economic Development, through its Rural Development Board, is requesting bids to prepare the 1993 edition of the Rural Investment Guide. Bids are sought from firms capable of providing design and creative consultation, preparing computer graphics and text, providing final document on a disc to printer for linotronic output to four-color separations, and assisting the Board in working with the printer (who will be selected separately).

Proposals must be received by 4:30 p.m., Tuesday, September 8, 1992, at the address below. The 1992 edition, which will be updated and revised for 1993, is available for inspection.

A complete "Request for Proposals", which specifies the requirements of this project, is available from:

Mark Lofthus
Director, Rural Development Board
Department of Trade and Economic Development
900 American Center Building
150 E. Kellogg Boulevard
St. Paul, Minnesota 55101-1421
612/296-9090

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Minnesota Historical Society

Bids Sought for the Printing, Manufacturing and Delivery of Three Indian Language Dictionaries

The Minnesota Historical Society is seeking bids from qualified firms to print, manufacture and deliver three Indian language dictionaries pursuant to specifications to be provided by the Society.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than September 10, 1992.

Details concerning submission requirements are included in the Request for Bids.

Minnesota Historical Society

Bids Sought for Computer Network Hardware, Software and Related Services

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide and implement a computer network for its Publications and Research Division pursuant to specifications which have been prepared on behalf of the Society.

The project will include provision and installation of hardware components, network software, and related services.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Details concerning submission requirements, including critical dates, are included in the Request for Bids.

State Contracts and Advertised Bids

Minnesota Historical Society

Bids Sought for Lightning Protection System for the James J. Hill House

The Minnesota Historical Society is seeking bids from qualified firms to provide and install lightning protection at the James J. Hill House, 245 Summit Avenue, St. Paul, MN in accordance with specifications prepared on behalf of the Society.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Details concerning submission and site visit requirements and dates are included in the Request for Bids.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

COMMODITY CODE KEY

A = Sealed Bid	G = \$5,000-\$15,000 Estimated Dollar Value	J = Targeted Vendors Only
B = Write for Price	H = \$15,000-\$50,000 Sealed Bid	K = Local Service Needed
C = Request for Proposal	I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required	L = No Substitute
D = Request for Information		M = Installation Needed
E = \$0-\$1,500 Estimated Dollar Value		N = Pre-Bid Conference
F = \$1,500-\$5,000 Estimated Dollar Value		O = Insurance or Bonding Required

Commodity: Snow removal
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: September 2
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: Price Contract

Commodity: Plumbing—faucets: non-mixing, automatic type
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: September 2
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: A H—Quarry rock
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: August 26
Agency: Department of Natural Resources—Fish Hatchery
Deliver to: Lanesboro
Requisition #: B 29005-16619

Commodity: Rubbish disposal
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: September 3
Agency: Lakewood Community College
Deliver to: White Bear Lake
Requisition #: Price Contract

Commodity: A H—Relocation of services F/T blind
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: August 28
Agency: Minnesota Department of Jobs & Training
Deliver to: Various Places
Requisition #: B 21200-42819-1

Commodity: AH—Winter sand—floodwood
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: August 31
Agency: Minnesota Department of Transportation
Deliver to: Various Places
Requisition #: B 79100-09348

Commodity: A H—Winter sand—
Illgen City
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: August 31
Agency: Minnesota Department of
Transportation
Deliver to: Various Places
Requisition #: B 79100-09351

Commodity: B G K—Pianos
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: August 31
Agency: Austin Community College
Deliver to: Austin
Requisition #: B 27139-93009

Commodity: A H—Meat for September
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: August 26
Agency: Minnesota Correctional Facility
Deliver to: Stillwater
Requisition #: B 78620-00463

Commodity: B G K M—Copier rental
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: August 31
Agency: Minnesota Department of Jobs
& Training
Deliver to: Various Places
Requisition #: B 21200-52502

Commodity: B E—Biological supplies
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: August 26
Agency: Hibbing Extension Duluth
Center
Deliver to: Duluth
Requisition #: B 27165-65095

Commodity: B E—Fixtures
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: August 25
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11492

Commodity: A H—Winter sand—
Grand Marais
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: August 31
Agency: Minnesota Department of
Transportation
Deliver to: Various Places
Requisition #: B 79100-09350

Commodity: B G—Laundry equipment
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: August 31
Agency: Building Construction Division
Deliver to: Silver Bay
Requisition #: B 02305-33031

Commodity: B F M—Button machine
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: August 31
Agency: Minnesota Correctional Facility
Deliver to: Lino Lakes
Requisition #: B 78550-93853

Commodity: B G—Welding equipment
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: September 2
Agency: Building Construction Division
Deliver to: Faribault
Requisition #: B 02310-33718

Commodity: A H K M—Copier rental
Contact: Jack Bauer 612-296-2621
Bid due date at 2pm: August 31
Agency: Minnesota Jobs & Training—
North St. Paul Office
Deliver to: North St. Paul
Requisition #: B 21200-52561

Commodity: B E—Library tables
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: September 2
Agency: Hibbing Extension Duluth
Center
Deliver to: Duluth
Requisition #: B 27165-65093

Commodity: B F—Typewriters
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: August 31
Agency: Minnesota Correctional Facility
Deliver to: Red Wing
Requisition #: B 78760-03220

Commodity: B G K M—Copier lease/
purchase
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: August 31
Agency: Department of Labor &
Industry
Deliver to: St. Paul
Requisition #: B 42202-17575-1

Commodity: B F K M—Copier rental
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: August 26
Agency: Minnesota Department of
Transportation
Deliver to: Owatonna
Requisition #: B 79650-00645

Commodity: B F L—HM-PC
headmaster
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: August 31
Agency: Minnesota Department of Jobs
& Training
Deliver to: Various Places
Requisition #: B 21603-24103

Commodity: B F—486SX/25 computer
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: August 31
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-52072

Commodity: B F—Radius monitors
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: August 31
Agency: Winona State University
Deliver to: Winona
Requisition #: B 26074-14685

Commodity: B G—HP printer w/driver
for interplot
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: August 31
Agency: Minnesota Department of
Transportation
Deliver to: St. Paul
Requisition #: B 79000-31654

Commodity: B H—Relocation of
services f/t blind
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: August 28
Agency: Minnesota Department of Jobs
& Training
Deliver to: Various Places
Requisition #: B 21200-42819-2

State Contracts and Advertised Bids

Commodity: B F—Dinnerware
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: August 31
Agency: St. Peter Regional Treatment Center
Deliver to: St. Peter
Requisition #: B 55105-09229

Commodity: B F—Powermatic shaper
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: August 31
Agency: Department of Administration
Deliver to: St. Paul
Requisition #: B 02307-34241

Commodity: B F—Switching hub for Mac
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: August 31
Agency: Bemidji State University
Deliver to: Bemidji
Requisition #: B 26070-14861

Commodity: B G—H.P. Laserjet printers
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: August 31
Agency: Moorhead State University
Deliver to: Moorhead
Requisition #: B 26072-03953

Commodity: B F—Crystal copper sulfate
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: August 31
Agency: Department of Natural Resources—Regional Headquarters
Deliver to: St. Paul
Requisition #: B 29006-30341

Commodity: B G—Miscellaneous electric hardware
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: August 31
Agency: Department of Administration
Deliver to: St. Paul
Requisition #: B 02307-34236

Commodity: B F—Coin sorter/counter
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: August 31
Agency: Minnesota Department of Jobs & Training
Deliver to: Various Places
Requisition #: B 21200-52499

Commodity: A H—Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: September 2
Agency: Minnesota Department of Transportation
Deliver to: Various Places
Requisition #: B 79100-09349

Commodity: B F—Delta radial saw
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: August 31
Agency: Department of Administration
Deliver to: St. Paul
Requisition #: B 02307-34242

Commodity: B F—Bersicolor CCTV monitor
Contact: Teresa Manzella 612-296-7556
Bid due date at 4:30pm: August 31
Agency: Minnesota Department of Jobs & Training
Deliver to: St. Paul
Requisition #: B 21701-52560

Commodity: B F L—NCS computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: August 31
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-67090

Commodity: B E—Miscellaneous drives, controllers, etc.
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: August 31
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-24111

Commodity: B F L—Mettler balance
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: August 31
Agency: Brainerd Community College
Deliver to: Brainerd
Requisition #: B 27140-30011

Commodity: B F—386SX/20 computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: August 31
Agency: St. Peter Regional Treatment Center
Deliver to: St. Peter
Requisition #: B 55105-09228

Commodity: B E—Breath testing device
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: August 31
Agency: Minnesota Department of Corrections
Deliver to: Various Places
Requisition #: B 78000-41891

Commodity: B F M—Overhead door installation
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: August 31
Agency: Minnesota Correctional Facility
Deliver to: Stillwater
Requisition #: B 78620-00462

Commodity: B F L—Gateway 2000 computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: August 31
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-67084

Commodity: B F—Micom multiplexors
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: August 31
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-24110

Commodity: A H L—Intelitool computer system
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: September 2
Agency: Winona State University
Deliver to: Winona
Requisition #: B 26074-14616

State Contracts and Advertised Bids

Commodity: B G—Microdyne access server

Contact: Bernadette Vogel 612-296-3778

Bid due date at 4:30pm: August 27

Agency: North Hennepin Community College

Deliver to: Brooklyn Park

Requisition #: B 27153-21454

Commodity: B F—386SX/20 computer
Contact: Bernadette Vogel 612-296-3778

Bid due date at 4:30pm: August 31

Agency: St. Peter Regional Treatment Center

Deliver to: St. Peter

Requisition #: B 55105-09236

Commodity: B F—Laser disc player

Contact: Pam Anderson 612-296-1053

Bid due date at 4:30pm: August 31

Agency: Inver Hills Community College

Deliver to: Inver Grove Heights

Requisition #: B 27157-48899

Commodity: A H M—Nondirectional beacon installation

Contact: Pam Anderson 612-296-1053

Bid due date at 2pm: September 3

Agency: Minnesota Department of Transportation

Deliver to: Various Places

Requisition #: B 79000-31606

Commodity: B G—Timber posts for cold storage building

Contact: Pam Anderson 612-296-1053

Bid due date at 4:30pm: August 31

Agency: Minnesota Department of Transportation

Deliver to: Various Places

Requisition #: B 79050-70154

Commodity: B F—Maintenance on generators

Contact: Joan Breisler 612-296-9071

Bid due date at 4:30pm: August 31

Agency: Department of Administration

Deliver to: St. Paul

Requisition #: B 02307-34238

Commodity: B E—Biological supplies

Contact: Joan Breisler 612-296-9071

Bid due date at 4:30pm: August 31

Agency: Itasca Community College

Deliver to: Grand Rapids

Requisition #: B 27144-44412

Commodity: A H—Exit lighting

Contact: Joan Breisler 612-296-9071

Bid due date at 2pm: September 2

Agency: Brainerd Regional Human Services Center

Deliver to: Brainerd

Requisition #: B 55304-09202

Commodity: B G—Miscellaneous plumbing supplies

Contact: Linda Parkos 612-296-3725

Bid due date at 4:30pm: August 31

Agency: Minnesota Correctional Facility

Deliver to: Stillwater

Requisition #: B 78620-00460

Commodity: B G K—Print equipment maintenance

Contact: Jack Bauer 612-296-2621

Bid due date at 4:30pm: August 31

Agency: Anoka Ramsey Community College

Deliver to: Coon Rapids

Requisition #: B 27152-46966

Commodity: B F—Syro steel guardrail assembly

Contact: Pam Anderson 612-296-1053

Bid due date at 4:30pm: August 31

Agency: Minnesota Department of Transportation

Deliver to: Windom

Requisition #: B 79750-01238

Commodity: B E—Cable

Contact: Joan Breisler 612-296-9071

Bid due date at 4:30pm: August 31

Agency: St. Cloud State University

Deliver to: St. Cloud

Requisition #: B 26073-24103

Commodity: B G—Lamp exit conversion kit

Contact: Joan Breisler 612-296-9071

Bid due date at 4:30pm: August 28

Agency: Faribault Regional Center

Deliver to: Faribault

Requisition #: B 55303-16441-1

Commodity: B F L—Door locks and hardware

Contact: Linda Parkos 612-296-3725

Bid due date at 4:30pm: August 31

Agency: St. Peter Regional Treatment Center

Deliver to: St. Peter

Requisition #: B 55105-09232

Commodity: B G K M—Copier

Contact: Jack Bauer 612-296-2621

Bid due date at 4:30pm: September 2

Agency: Brainerd Community College

Deliver to: Brainerd

Requisition #: B 27140-30016

MAILING LISTS GALORE

Successful business means successful sales

The Print Communications Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 296-0930 for more information. Requests can be sent to: Print Communications Division, Mailing List Service, 117 University Avenue, St. Paul, MN 55155. FAX: (612) 296-2265.

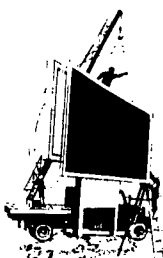
Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Minnesota Manufacturer's Directory 1992



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2. \$90.00.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$16.95.

Love of Loons. A Voyageur Wilderness Book, with color photos and lore of this delightful state bird makes this a beautiful gift. Stock #9-22, \$12.95 + tax.

Loon Lapel Pin. Code #15-30, \$2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, \$19.95.

Loon Nature Print, full-color poster 16" x 22", Code #15-18, \$3.00.

Loon with Baby—poster, 16" x 20". Code #15-48, \$3.00.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication, either as is, reduced, or redesigned to suit your format.

Minnesota's future environment

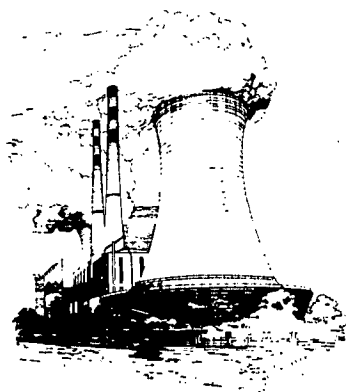
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1989 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$24.95.

1992 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$16.95.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

For Real Estate Professionals:

REAL ESTATE RULES 1991

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$6.00

REAL ESTATE LAWS 1990

Includes all the changes made by the 1990 State Legislature. Complete and up-to-date. Code No. 2-92. \$8.00.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.



Morel: Minnesota's mushroom

The Mushroom Hunter's Field Guide. An all-color guide by Alexander Smith and Nancy Smith Weber with clear and orderly facts, explicit pictures and scientific accuracy. Stock #9-10, \$16.95.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$12.95.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$16.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Murder: Minnesota style

Murder in Minnesota: A treasury of vintage crimes in which famous and obscure characters come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, \$6.95.

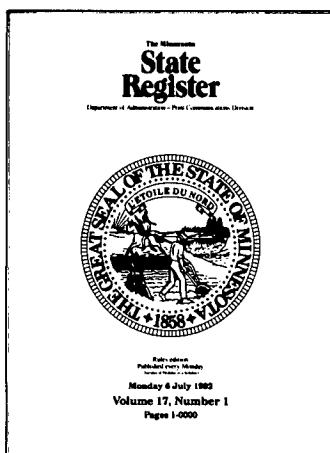
Robber and Hero: On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

Secrets of the Congdon Mansion: The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$5.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

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